

SENATE JOURNAL

— 1990 —

VOLUME II

REGULAR SESSION

FIRST AND SECOND SPECIAL SESSIONS

FIFTY-FIRST LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

1990 Regular Session Convened January 8, 1990
Adjourned Sine Die March 8, 1990

1990 First Special Session
Convened March 9, 1990
Adjourned Sine Die April 1, 1990

1990 Second Special Session
Convened June 5, 1990
Adjourned Sine Die June 5, 1990

Compiled, Edited and Indexed by
GORDON A. GOLOB, *Secretary of the Senate*



MARY WILEY
Minute and Journal Clerk

JOEL PRITCHARD, *President of the Senate*
ALAN BLUECHEL, *President Pro Tempore*
ELLEN CRASWELL, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

REPUBLICAN CAUCUS

Minority LeaderJEANNETTE HAYNER
Caucus ChairGEORGE L. SELLAR
Majority Floor LeaderIRV NEWHOUSE
Majority WhipANN ANDERSON
Deputy Majority LeaderEMILIO CANTU
Caucus Vice ChairSTANLEY C. JOHNSON
Majority Asst. Floor LeaderGARY A. NELSON
Majority Assistant WhipLINDA A. SMITH

DEMOCRATIC CAUCUS

Democratic LeaderLARRY L. VOGNILD
Caucus ChairFRANK J. WARNKE
Democratic Floor LeaderALBERT BAUER
Caucus Vice ChairR. LORRAINE WOJAHN
Democratic Assistant Floor LeaderNITA RINEHART
Democratic WhipRICK S. BENDER
Democratic Assistant WhipPATRICK R. McMULLEN



Secretary of the SenateGORDON A. GOLOB
Deputy SecretaryW. D. "NATE" NAISMITH
Sergeant at ArmsGEORGE LaPOLD
Secretary to the SecretaryMYRNA BEEBE
ReaderVIC YELLE
Minute and Journal ClerkMARY WILEY

INDEX
VOLUME I

Regular Session, January 8, 1990, through
March 2, 1990pages 1-1254

VOLUME II

Regular Session (continued) March 3, 1990,
through March 8, 1990pages 1255, 1684

First Special Session, March 9, 1990,
through April 1, 1990pages 1687, 2024

Second Special Session, June 5, 1990
through June 5, 1990.....pages 2027-2044

Appendix A.....pages 2046-2092

Roster of Memberspages 2094-2104

Governor's Messages
Bill Signed after Adjournment.....page 2105

Veto on Senate Billspages 2106, 2118

History of Billspages 2119-2206

General Indexpages 2207-2369

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 3, 1990

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Matson. On motion of Senator Anderson, Senator Matson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Heidi Clement and Jennifer Lisher, presented the Colors. Major Wesley W. Sullivan, chaplain of I Corps of Fort Lewis, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 9:37 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:51 a.m. by President Pritchard.

MESSAGES FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5206,
 SUBSTITUTE SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5594,
 SECOND SUBSTITUTE SENATE BILL NO. 5882,
 SECOND SUBSTITUTE SENATE BILL NO. 6216,
 SUBSTITUTE SENATE BILL NO. 6305,
 SUBSTITUTE SENATE BILL NO. 6326,
 SENATE BILL NO. 6388,
 SUBSTITUTE SENATE BILL NO. 6389,
 SUBSTITUTE SENATE BILL NO. 6390,
 SENATE BILL NO. 6391,
 SENATE BILL NO. 6392,
 SUBSTITUTE SENATE BILL NO. 6393,
 SENATE BILL NO. 6394,
 SUBSTITUTE SENATE BILL NO. 6395,
 SENATE BILL NO. 6396,
 SENATE BILL NO. 6535, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 27, 1990

Mr. President:

The House has passed:

SENATE BILL NO. 6180,
 SENATE BILL NO. 6292,
 SENATE BILL NO. 6451,
 SUBSTITUTE SENATE BILL NO. 6467,
 SENATE BILL NO. 6470,
 SENATE BILL NO. 6520,
 SENATE BILL NO. 6533,
 SENATE BILL NO. 6588,
 SUBSTITUTE SENATE BILL NO. 6589,
 SENATE BILL NO. 6606.

SUBSTITUTE SENATE BILL NO. 6608,
 SECOND SUBSTITUTE SENATE BILL NO. 6731,
 SENATE BILL NO. 6777,
 SENATE BILL NO. 6802,
 SENATE BILL NO. 6897.

SENATE JOINT MEMORIAL NO. 8003, and the same are herewith transmitted.
 ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4437, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5206,
 SUBSTITUTE SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5594,
 SECOND SUBSTITUTE SENATE BILL NO. 5882,
 SECOND SUBSTITUTE SENATE BILL NO. 6216,
 SUBSTITUTE SENATE BILL NO. 6305,
 SUBSTITUTE SENATE BILL NO. 6326,
 SENATE BILL NO. 6388,
 SUBSTITUTE SENATE BILL NO. 6389,
 SUBSTITUTE SENATE BILL NO. 6390,
 SENATE BILL NO. 6391,
 SENATE BILL NO. 6392,
 SUBSTITUTE SENATE BILL NO. 6393,
 SENATE BILL NO. 6394,
 SUBSTITUTE SENATE BILL NO. 6395,
 SENATE BILL NO. 6396,
 SENATE BILL NO. 6535.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6180,
 SENATE BILL NO. 6292,
 SENATE BILL NO. 6451,
 SUBSTITUTE SENATE BILL NO. 6467,
 SENATE BILL NO. 6470,
 SENATE BILL NO. 6520,
 SENATE BILL NO. 6533,
 SENATE BILL NO. 6588,
 SUBSTITUTE SENATE BILL NO. 6589,
 SENATE BILL NO. 6606,
 SUBSTITUTE SENATE BILL NO. 6608,
 SECOND SUBSTITUTE SENATE BILL NO. 6731,
 SENATE BILL NO. 6777,
 SENATE BILL NO. 6802,
 SENATE BILL NO. 6897,
 SENATE JOINT MEMORIAL NO. 8003.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4437 by Representative Ebersole

Extending the cut-off date.

MOTION

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4437 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4437, by Representative Ebersole
Extending the cut-off date.

The concurrent resolution was read the second time.

MOTION

At 10:55 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:26 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of House Concurrent Resolution No. 4437, deferred on second reading before the Senate went at ease.

MOTION

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4437 was advanced to third reading, the second reading considered the third and House Concurrent Resolution No. 4437 was adopted.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SENATE BILL NO. 5487 with the following amendment:
On page 4, line 17, after "disclosing" strike "in writing".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do concur in the House amendment to Senate Bill No. 5487.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, in all real estate deals, of course, verbal is no good. You have to have it in writing. Why would you delete the principle of 'going to disclose in writing?'"

Senator McCaslin: "Well, you are absolutely right, it has to be in writing to be enforceable, but this is a matter of referring people to either lending institutions or to title companies and that you receive some kind of a compensation for that referral, so that is all this deals with. This doesn't deal with the actual transfer of real property and the earnest money agreement and the agreements that are on here. This just deals with referrals."

Senator Rasmussen: "Well, it is a kick-back, so it becomes public."

Senator McCaslin: "Well, you are probably used to that term in Pierce County, but in Spokane, we used the word 'referral fee.'"

The President declared the question before the Senate to be the motion by Senator Newhouse to concur in the House amendment to Senate Bill No. 5487.

The motion by Senator Newhouse carried and the Senate concurred in the House amendment to Senate Bill No. 5487.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5487, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5487, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams - 45.

Voting nay: Senators Moore, Rasmussen, Wojahn - 3.

Excused: Senator Matson - 1.

SENATE BILL NO. 5487, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed THIRD SUBSTITUTE SENATE NO. 5550 with the following amendments:

On page 3, line 18, after "income," strike "scaled" and insert "adjusted"

On page 4, beginning on line 8, strike all of section 4 and insert the following:

***NEW SECTION. Sec. 4. (1)** Any property occupied by a building that meets the following criteria may be classified in whole or in part as "devoted to low-income housing," and valued and taxed at its current use value unless disqualified under subsection (7) of this section:

(a) At least fifty percent of the rentable floor area of the building shall be dedicated to housing for persons of low income. The remainder of the building may be: (i) Committed to other uses, or (ii) vacant for up to six months, as long as the remainder does not impair the habitability of the units rented for housing to persons of low income;

(b) At least five dwelling units in the building must be dedicated to housing for persons of low income;

(c) The rents charged to persons of low income shall be set below market rates; and

(d) The building and the dwelling units dedicated to housing for persons of low income must comply with local health and safety standards.

(2) A classification of the real property occupied by a building devoted to low-income housing applies to the portion of the parcel dedicated to housing for persons of low income, including ancillary areas used for parking, lawn, garden, or landscaping, as required by local zoning and building ordinances.

(3) Any property used for a mobile home park that meets the following criteria may be classified in whole or in part as "devoted to low-income housing" and valued and taxed at its current use value unless disqualified under subsection (7) of this section:

(a) At least fifty percent of the mobile home park spaces shall be dedicated to persons of low income at all times for residential purposes by persons of low income. The remainder of the mobile home park may be: (i) Committed to other uses, or (ii) vacant for up to six months, as long as the remainder does not impair the habitability of the mobile home park spaces rented to persons of low income;

(b) At least five mobile home spaces in the mobile home park must be dedicated to housing for persons of low income;

(c) The rents charged to persons of low income shall be set below market rates for mobile home park spaces; and

(d) The mobile home park must comply with local health and safety standards.

(4) A classification of real property used for a mobile home park applies to the portion of the property dedicated to housing for persons of low income, including ancillary areas used for parking, lawn, garden, or landscaping, as required by local zoning and building ordinances.

(5) In the event that the property for which a classification under this section is applied for is used in part as other than either residential rental property or a mobile home park, only the portion of the property dedicated to housing for persons of low income or a mobile home park shall be eligible for classification under this chapter.

(6) An assessor may, for property tax purposes, segregate those portions of a property dedicated to housing for persons of low income.

(7) The following properties are not eligible for classification as property "devoted to low-income housing":

(a) Slums: (i) Property under a municipal or judicial order for abatement; (ii) property with a building that the local jurisdiction has found to violate applicable building, health, and safety standards and on which compliance has not been completed or satisfactory progress

shown within sixty days after notice; or (iii) property that is repeatedly cited for a substantial violation of such local standards.

(b) Institutional housing: (i) Residential units that serve an institution, when payments for health care, education, or other institutional services are made by or for the occupants to the owner in addition to rent for the dwelling; (ii) privately-owned student housing, including fraternities and sororities; or (iii) resorts for recreational purposes. This subsection (b) does not exclude from eligibility housing that is under contract to a governmental organization or private nonprofit health care organization and is devoted to persons of low income.

(c) Employee housing: Property used primarily for industrial, commercial, institutional, farm or agricultural purposes or as timber land in which the dwelling units identified as devoted to use by persons of low income are occupied by employees of the owner, contract workers for the owner, or relatives of the owner.

(d) Any portion of the property that exceeds five acres; except that this requirement does not apply to mobile home parks."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Third Substitute Senate Bill No. 5550.

The President declared the question before the Senate to be the roll call on the final passage of Third Substitute Senate Bill No. 5550, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5550, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Amondson, Barr, Benitz, McCaslin - 4.

Excused: Senator Matson - 1.

THIRD SUBSTITUTE SENATE BILL NO. 5550, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1990

Mr. President:

The House has passed SENATE BILL NO. 5712 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 47, Laws of 1979 ex. sess. as amended by section 3, chapter 173, Laws of 1986 and RCW 43.21B.005 are each amended to read as follows:

There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, the shorelines hearings board created in RCW 90.58.170, and the hydraulic appeals board created in RCW 75.20.130. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, the shorelines hearings board, and the hydraulic appeals board shall be as provided by law.

The chief executive officer of the environmental hearings office may appoint ~~(- discharge, and fix the compensation of such staff as may be necessary or may contract for required services. Employees of the environmental hearings office shall serve each board at the direction of the chief executive officer of the environmental hearings office))~~ an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

The chief executive officer may also contract for required services.

Sec. 2. Section 39, chapter 62, Laws of 1970 ex. sess. as amended by section 1, chapter 69, Laws of 1974 ex. sess. and RCW 43.21B.090 are each amended to read as follows:

The principal office of the hearings board shall be at the state capitol, but it may sit or hold hearings at any other place in the state. A majority of the hearings board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position of the hearings board be vacant. One or more members may hold hearings and take testimony to be reported for action by the hearings board when authorized by rule or order of the hearings board. ~~((The board may also appoint as its authorized agents one or more hearing examiners to assist the board in the performance of its hearing function pursuant to the authority contained in the administrative procedure act, chapter 34.04 RCW as now or hereafter amended: PROVIDED That the findings of the hearing examiner shall not become final until they have been formally approved by the board.))~~ The hearings board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

Sec. 3. Section 43, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.130 are each amended to read as follows:

The administrative procedure act, chapter ~~((34.04))~~ 34.05 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions ~~((are))~~ were transferred by ~~((this 1970 act))~~ section 6, chapter 62, Laws of 1970 ex. sess. to the department. All other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be subject to review by the hearings board as provided in this ~~((1970 act))~~ chapter.

Sec. 4. Section 45, chapter 62, Laws of 1970 ex. sess. as amended by section 2, chapter 69, Laws of 1974 ex. sess. and RCW 43.21B.150 are each amended to read as follows:

In all appeals involving an informal hearing, the hearings board ~~((or its hearing examiners))~~ shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter ~~((34.04))~~ 34.05 RCW. In the case of appeals within the ~~((scope of this 1970 act))~~ jurisdiction of the hearings board, the hearings board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board or any member thereof may deem necessary or appropriate: PROVIDED, That any communication, oral or written, from the staff of the director to the hearings board ~~((or its hearing examiners))~~ shall be presented only in an open hearing.

Sec. 5. Section 46, chapter 62, Laws of 1970 ex. sess. as last amended by section 103, chapter 175, Laws of 1989 and RCW 43.21B.160 are each amended to read as follows:

In all appeals involving a formal hearing, the hearings board ~~((or its hearing examiners))~~ shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.05 RCW, the Administrative Procedure Act ~~((and))~~. The hearings board, and each member thereof, ~~((or its hearing examiners))~~ shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings. In the case of appeals within the ~~((scope of this chapter))~~ jurisdiction of the hearings board, the hearings board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board, or any member thereof, may deem necessary or appropriate ~~((PROVIDED, That))~~. Any communication, oral or written, from the staff of the director to the hearings board ~~((or its hearing examiners))~~ shall be presented only in an open hearing.

Sec. 6. Section 53, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.230 are each amended to read as follows:

Any person having received notice of a denial of a petition, a notice of determination, notice of or an order made by the department ~~((under the provisions of this 1970 amendatory act))~~ may appeal, within thirty days from the date of the notice of such denial, order, or determination to the hearings board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department or air pollution authority established pursuant to chapter 70.94 RCW, as the case may be, within the time specified herein and by filing the original thereof with proof of service with the clerk of the hearings board. If the person intends that the hearing before the hearings board be a formal one, the notice of appeal shall so state. In the event that the notice of appeal does not so state, the hearing shall be an informal one: PROVIDED, HOWEVER, That nothing shall prevent the department or the air pollution authority, as the case may be, within ten days from the date of its receipt of the notice of appeal, from filing with the clerk of the hearings board notice of its intention that the hearing be a formal one."

On page 1, line 1 of the title, after "office;" strike the remainder of the title and insert "and amending RCW 43.21B.005, 43.21B.090, 43.21B.130, 43.21B.150, 43.21B.160, and 43.21B.230."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Senate Bill No. 5712.

MOTION

On motion of Senator Anderson, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5712, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5712, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, Patterson - 2.

SENATE BILL NO. 5712, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator West was excused.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5835 with the following amendments:

On page 2, beginning on line 16 strike NEW SECTION, Sec. 4

On page 1, line 2 of the title after "28A RCW;" strike "creating a new section; and making an appropriation" and insert "and creating a new section".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5835.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5835, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5835, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Excused: Senators Matson, Patterson, West - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5835, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5996 with the following amendments:

On page 1, line 14, strike "(1)"

One page 1, beginning on line 19, strike all material through "act." on line 22

One page 1, line 28, strike "associate in applied sciences" and insert "an associate of applied sciences degree"

On page 1, line 2 of the title, after "program:" strike the remainder of the title and insert "and creating new sections.",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5996.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5996, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5996, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Absent: Senator McDonald - 1.

Excused: Senators Matson, Patterson, West - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5996, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5845 with the following amendment:

On page 2, line 2 after "31," strike "1989" and insert "1990",

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5845.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5845, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5845, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Excused: Senators Matson, Patterson, West - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5845, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6377 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 75.10 RCW to read as follows:

Persons who fish for food fish or shellfish for personal use and violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are infractions and are punishable under chapter 7.84 RCW:

(a) The failure to immediately record a catch of salmon or sturgeon on a catch record card;

(b) The use of barbed hooks in a barbless hook-only fishery; and

(c) Other personal use violations specified by the director under RCW 75.10.110.

(2) The following violations are misdemeanors and are punishable under RCW 9.92.030:

(a) The retention of undersized food fish or shellfish;

(b) The retention of more food fish or shellfish than is legally allowed, but less than three times the legally allowed personal use limit;

(c) The intentional wasting of recreationally caught food fish or shellfish; and

(d) The setting or lifting of shrimp pots in Hood Canal from one hour after sunset until one hour before sunrise.

(3) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) The snagging of food fish;

(b) Fishing in closed areas or during a closed season;

(c) Commingling a personal food fish catch with a commercial food fish catch;

(d) The retention of at least three times the legally allowed personal use limits of food fish or shellfish;

(e) The sale, barter, or trade of food fish or shellfish with a wholesale value of less than two hundred fifty dollars by a person who has caught the food fish or shellfish with fishing gear authorized under personal use rules or who has received the food fish or shellfish from someone who caught it with fishing gear authorized under personal use rules; and

(f) Other unclassified personal use violations of Title 75 RCW.

(4) The following violation is a class C felony and is punishable under RCW 9A.20.021(1)(c): The sale, barter, or trade of food fish or shellfish with a wholesale value of two hundred fifty dollars or more by a person who has caught the food fish or shellfish with fishing gear authorized under personal use rules or has received the food fish or shellfish from someone who caught it with fishing gear authorized under personal use rules.

NEW SECTION, Sec. 2. A new section is added to chapter 75.10 RCW to read as follows:

Persons who fish, buy, or sell food fish and shellfish commercially and violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are misdemeanors and are punishable under RCW 9.92.030:

(a) The failure to complete a fish ticket with all the required information for a commercial fish or shellfish landing; and

(b) The failure to report a commercial fish catch as required by department rules.

(2) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) The retention of illegal food fish or shellfish species;

(b) The wasting of commercially caught food fish or shellfish;

(c) Commingling commercial and personal use food fish or shellfish catches;

(d) The failure to comply with department rules on commercial fishing licenses;

(e) The failure to comply with department requirements on fishing gear specifications;

(f) The failure to obtain a delivery license as required by department rules;

(g) Violations of the fisheries statutes or rules by fish buyers or wholesale dealers other than violations for fish tickets under subsection (1)(a) of this section;

(h) Fishing during a closed season;

(i) Illegal geoduck harvesting off the legal harvesting tract; and

(j) Other unclassified commercial violations of Title 75 RCW.

(3) The following violations are class C felonies and are punishable under RCW 9A.20.021(1)(c):

(a) Intentionally fishing in a closed area using fishing gear not authorized under personal use regulations;

(b) Intentionally netting salmon in the Pacific Ocean;

(c) Harvesting more than one hundred pounds of geoducks outside of the boundaries of a harvest tract designated by a harvest agreement from the department of natural resources if:

(i) The harvester does not have a valid harvesting agreement from the department of natural resources; or

(ii) The harvesting is done more than one-half mile from the nearest boundary of any harvesting tract designated by a department of natural resources harvesting agreement;

(d) Unlawful participation by a non-Indian fisher with intent to profit in a treaty Indian fishery;

(e) Intentionally fishing within the closed waters of a fish hatchery;

(f) The sale, barter, or trade of food fish or shellfish with a wholesale value of two hundred fifty dollars or more by a person who does not have a valid commercial fishing license and has caught the food fish or shellfish using fishing gear not authorized under personal use rules, or has received the food fish or shellfish from someone who has caught it with fishing gear not authorized under personal use rules; and

(g) Being in possession of food fish or shellfish with a wholesale value of two hundred fifty dollars or more while using fishing gear not authorized under personal use regulations without a valid commercial fishing license.

NEW SECTION. Sec. 3. A new section is added to chapter 75.10 RCW to read as follows:

Persons who violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are gross misdemeanors and are punishable under RCW 9A.02.020:

(a) Violating RCW 75.20.100; and

(b) Violating department statutes that require fish screens, fish ladders, and other protective devices for fish.

(2) The following violations are a class C felony and are punishable under RCW 9A.20.021(1)(c):

(a) Discharging explosives in waters that contain adult salmon or sturgeon: PROVIDED, That lawful discharge of devices for the purpose of frightening or killing marine mammals or for the lawful removal of snags or for actions approved under RCW 75.20.100 or 75.12.070(2) are exempt from this subsection; and

(b) To knowingly purchase food fish or shellfish with a wholesale value greater than two hundred fifty dollars that were taken by methods or during times not authorized by department of fisheries rules, or were taken by someone who does not have a valid commercial fishing license, a valid fish buyer's license, or a valid wholesale dealer's license, or were taken with fishing gear authorized for personal use.

NEW SECTION. Sec. 4. A new section is added to chapter 75.10 RCW to read as follows:

Persons who repeatedly demonstrate indifference and disrespect for the fisheries laws of the state shall be considered a threat to the fisheries resource. These habitual offenders shall be denied the privilege of harvesting food fish or shellfish.

The director may revoke or may prescribe conditions for issuing the personal use license or the commercial fishing license, or both, of persons who have four or more gross misdemeanors or class C felony convictions for fisheries violations within a twelve-year period. All food fish and shellfish fishing privileges shall be revoked for the same time period as a license is revoked. A revoked license shall not be reissued for a period of at least two years from the date of revocation, and shall be reissued only under the discretion of the director.

For purposes of this section, "conviction" means a final conviction in a state or municipal court. An unvacated forfeiture of bail or collateral of two hundred fifty dollars or more deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt for violating a provision of this title is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 5. Section 75.36.010, chapter 12, Laws of 1955 as amended by section 34, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.10.030 are each amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers may seize without warrant food fish or shellfish they have reason to believe have been taken, killed, transported, or possessed in violation of this title or rule of the director and may seize without warrant ((a)) boats, vehicles, gear, appliances, or other articles they have reason to believe is held with intent to violate or has been used in violation of this title or rule of the director. The articles seized shall be subject to forfeiture to the state, regardless of ownership. Articles seized may be recovered by their owner by depositing into court a cash bond equal to the value of the seized articles but not more than ((five)) twenty-five thousand dollars. The cash bond is subject to forfeiture to the state in lieu of the seized article.

(2)(a) In the event of a seizure of an article under subsection (1) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. Within fifteen days following the seizure, the seizing authority shall serve notice on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure.

(b) If no person notifies the department in writing of the person's claim of ownership or right to possession of the articles seized under subsection (1) of this section within forty-five days of the seizure, the articles shall be deemed forfeited.

(c) If any person notifies the department in writing within forty-five days of the seizure, the person shall be afforded an opportunity to be heard as to the claim or right. The hearing shall be before the director or the director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the articles

seized is more than five thousand dollars. The department hearing and any subsequent appeal shall be as provided for in Title 34 RCW. The burden of producing evidence shall be upon the person claiming to be the lawful owner or person claiming lawful right of possession of the articles seized. The department shall promptly return the seized articles to the claimant upon a determination by the director or the director's designee, an administrative law judge, or a court that the claimant is the present lawful owner or is lawfully entitled to possession of the articles seized, and that the seized articles were improperly seized.

(d)(i) No conveyance, including vessels, vehicles, or aircraft, is subject to forfeiture under this section by reason of any act or omission established by the owner of the conveyance to have been committed or omitted without the owner's knowledge or consent.

(ii) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge nor consented to the act or omission.

(e) When seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the state general fund, as provided for in RCW 75.08.230.

Sec. 6. Section 75.08.260, chapter 12, Laws of 1955 as last amended by section 16, chapter 380, Laws of 1987 and RCW 75.10.110 are each amended to read as follows:

(1) Unless otherwise provided for in this title, a person who violates this title or rules of the director ((or who aids or abets in the violation)) is guilty of a gross misdemeanor, and upon a conviction thereof shall be ((punished by imprisonment in the county jail of the county in which the offense is committed for not less than thirty days or more than one year, or by a fine of not less than twenty five dollars or more than one thousand dollars, or by both such fine and imprisonment)) subject to the penalties under RCW 9.92.020. Food fish or shellfish involved in the violation shall be forfeited to the state. The court may forfeit seized articles involved in the violation.

(2) The director may specify by rule, when not inconsistent with applicable statutes, that violation of a specific rule is an infraction under chapter 7.84 RCW. ((A person taking or possessing salmon in violation of this title or rules of the director shall be punished by a fine in an amount not more than five thousand dollars if the salmon involved in the violation have a market value greater than two hundred fifty dollars. This fine is in addition to the punishment resulting under subsection (1) of this section.))

Sec. 7. Section 75.28.380, chapter 12, Laws of 1955 as last amended by section 43, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.10.120 are each amended to read as follows:

(1) Upon conviction of a person for a violation of this title or rule of the director, in addition to the penalty imposed by law, the court may forfeit the person's license or licenses.

((2) The court shall forfeit the license: (a) Upon conviction for a violation of this title or rule of the director prescribing the length, depth, or construction of fishing gear, or (b) upon two or more convictions in a five-year period of any violation of this title or rule of the director.)) The license or licenses shall remain forfeited pending appeal.

(2) The director may prohibit, for one year, the issuance of ((a)) all commercial fishing licenses to a person convicted of two or more gross misdemeanor or class C felony violations of this title or rule of the director in a five-year period or prescribe the conditions under which the license or licenses may be issued. For purposes of this section, the term "conviction" means a final conviction in a state or municipal court. An unvacated forfeiture of bail or collateral of two hundred fifty dollars or more deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title or rule of the director is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 8. Section 75.12.090, chapter 12, Laws of 1955 as last amended by section 54, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.12.090 are each amended to read as follows:

(1) It is unlawful to take food fish or shellfish from a building, vehicle, vessel, container, or fishing gear thereby depriving the rightful owner of the food fish or shellfish.

(2) It is unlawful to ((steal or)) molest gear used to take food fish or shellfish for either commercial purposes or personal use."

On page 1, line 1 of the title, after "RCW," strike the remainder of the title and insert "amending RCW 75.10.030, 75.10.110, 75.10.120, and 75.12.090; adding new sections to chapter 75.10 RCW; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 6377.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6377, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6377, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalfe, Moore, Murray, Neilson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Voting nay: Senator Anderson - 1.

Excused: Senators Matson, Patterson, West - 3.

SUBSTITUTE SENATE BILL NO. 6377, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6290 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that provision of telecommunications devices and relay capability for hearing impaired persons is an effective and needed service which should be continued. The legislature further finds that the same devices and relay capability can serve and should be extended to serve speech impaired persons.

Sec. 2. Section 2, chapter 304, Laws of 1987 and RCW 43.20A.720 are each amended to read as follows:

"Hearing impaired" means those persons who are certified to be deaf, deaf-blind, or hard of hearing, and those persons who are certified to have a hearing disability limiting their access to telecommunications.

"Speech impaired" means persons who are certified to be unable to speak or who are certified to have a speech impairment limiting their access to telecommunications.

"Telecommunications device for the deaf (TDD)" means a teletypewriter that has a typewriter keyboard and a readable display that couples with the telephone, allowing messages to be typed rather than spoken. The device allows a person to make a telephone call directly to another person possessing similar equipment. The conversation is typed through one machine to the other machine instead of spoken.

"TDD relay system" is a service for hearing and speech impaired people who have a TDD to call someone who does not have a TDD or vice versa. The service consists of several telephones being utilized by TDD relay service operators who receive either TDD or voice phone calls. If a TDD relay service operator receives a phone call from a hearing or speech impaired person wishing to call a hearing person, the operator will call the hearing person and act as an intermediary by translating what is displayed on the TDD to voice and typing what is voiced into the TDD to be read by the ~~((deaf))~~ hearing or speech impaired caller. This process can also be reversed with a hearing person calling a deaf person through the TDD relay service.

"Qualified trainer" is a person who is knowledgeable about TDDs, signal devices, and amplifying accessories; familiar with the technical aspects of equipment designed to meet hearing impaired people's needs; and is fluent in American sign language.

"Qualified contractor" shall have bilingual staff available for quality language/cultural interpretations; quality training of operators; and policies, training, and operational procedures to be determined by the office.

"The department" means the department of social and health services of the state of Washington.

"Office" means the office of deaf services within the state department of social and health services.

Sec. 3. Section 3, chapter 304, Laws of 1987 and RCW 43.20A.725 are each amended to read as follows:

(1) The department shall ~~((design and implement))~~ maintain a program whereby TDDs, signal devices, a TDD relay system, and amplifying accessories capable of serving the needs of the hearing and speech impaired shall be provided at no charge additional to the basic exchange rate, to an individual of school age or older, (a) who is certified as hearing impaired by a licensed physician, audiologist, or a qualified state agency, and to any subscriber that is an organization representing the hearing impaired, as determined and specified by the TDD

advisory committee; or (b) who is certified as speech impaired by a licensed physician, speech pathologist, or a qualified state agency, and to any subscriber that is an organization representing the speech impaired, as determined and specified by the TDD advisory committee. For the purpose of this section, certification implies that individuals cannot use the telephone for expressive or receptive communications due to hearing or speech impairment.

(2) The office shall award contracts on a competitive basis, to qualified persons for which eligibility to contract is determined by the office, for the distribution and maintenance of such TDDs, signal devices, and amplifying accessories as shall be determined by the office. Such contract shall include a provision for the employment and use of a qualified trainer and the training of recipients in the use of such devices.

(3) ~~((TDDs, signal devices, and amplifying accessories shall be made available to qualified recipients by December 1, 1987))~~ The office shall establish and implement a policy for the ultimate responsibility for recovery of TDDs, signal devices, and amplifying accessories from recipients who are moving from this state or who for other reasons are no longer using them.

(4) Pursuant to recommendations of the TDD advisory committee, the office shall maintain a program whereby a relay system will be provided state-wide using operator intervention to connect hearing impaired and speech impaired persons and offices or organizations representing the hearing impaired and speech impaired, as determined and specified by the TDD advisory committee pursuant to section 4 of this act. The relay system shall be the most cost-effective possible and shall operate in a manner consistent with federal requirements for such systems.

(5) The program shall be funded by telecommunications devices for the deaf (TDD) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine, in consultation with the TDD advisory committee, the amount of money needed to fund the program on an annual basis, including both operational costs and a reasonable amount for capital improvements such as equipment upgrade and replacement. That information shall be given by the department in an annual budget to the utilities and transportation commission no later than March 1 prior to the beginning of the fiscal year. The utilities and transportation commission shall then determine the amount of TDD excise tax to be placed on each access line and shall inform each local exchange company of this amount no later than May 15. The TDD excise tax shall not exceed ten cents per month per access line. Each local exchange company shall impose the amount of excise tax determined by the commission as of July 1, and shall remit the amount collected directly to the department on a monthly basis. The TDD excise tax shall be separately identified on each ratepayer's bill as "Telecommunications devices funds for deaf and hearing impaired". All proceeds from the TDD excise tax shall be put into a fund to be administered by the office through the department.

(6) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services in accordance with the provisions of RCW 43.20A.725.

(7) The department shall provide the legislature with a biennial report on the operation of the program. The first report shall be provided no later than December 1, 1990, and successive reports every two years thereafter. Reports shall be prepared in consultation with the TDD advisory committee and the utilities and transportation commission. The reports shall, at a minimum, briefly outline the accomplishments of the program, the number of persons served, revenues and expenditures, the prioritizing of services to those eligible based on such factors as degree of physical handicap or the allocation of the program's revenue between provision of devices to individuals and operation of the state-wide relay service, other major policy or operational issues, and proposals for improvements or changes for the program. The first report shall contain a study which includes examination of like programs in other states, alternative methods of financing the program, alternative methods of using the telecommunications system, advantages and disadvantages of operating the TDD program from within the department, by telecommunications companies, and by a private, nonprofit corporation, and means to limit demand for system usage.

(8) The program shall be consistent with the requirements of federal law for the operation of both interstate and intrastate telecommunications services for the deaf or hearing impaired or speech impaired. The department and the utilities and transportation commission shall be responsible for ensuring compliance with federal requirements and shall provide timely notice to the legislature of any legislation that may be required to accomplish compliance.

Sec. 4. Section 4, chapter 304, Laws of 1987 and RCW 43.20A.730 are each amended to read as follows:

(1) The department advisory committee on deafness shall establish a TDD advisory committee ~~((to study the feasibility of implementing a state-wide telecommunications relay system))~~ to oversee operation of the TDD program. The TDD advisory committee shall consist of no more than thirteen individuals ~~((from))~~ representing the hearing impaired and speech impaired communities, ~~((representatives from))~~ the department, the utilities and transportation commission, agencies and services serving the hearing impaired and speech impaired, and local exchange companies in the state. The membership on the TDD advisory committee shall, to the maximum extent possible, include representatives from (a) the major state-wide organizations

representing the hearing impaired and speech impaired, (b) organizations for the hearing impaired and speech impaired located in areas of the state with high populations of such persons, and (c) organizations that reflect the different geographic regions of the state, in order to develop ((and)), implement, and maintain a state-wide relay system providing cost-effective relay centers at a reasonable cost and that will meet the requirements of the hearing impaired and speech impaired, the TDD advisory committee shall investigate options, conduct public hearings as needed to determine the most cost-effective method of ((creating)) operating a state-wide relay system providing relay centers to the hearing impaired and speech impaired, and solicit the advice, counsel, and assistance of interested parties and nonprofit consumer organizations for hearing impaired and speech impaired persons state-wide. ((Such committee shall begin the study within thirty days of July 26, 1987, to be completed within six months after the study begins.)) The TDD advisory committee((;)) shall also, in conjunction with the department, monitor the activities and moneys that ((is((are))) are) being spent by the department for the program herein.

~~(2) ((Pursuant to the recommendations of the TDD advisory committee, the office shall implement a program whereby relay centers will be provided state-wide using operator intervention to connect hearing impaired persons and offices of organizations representing the hearing impaired, as determined and specified by the TDD advisory committee pursuant to subsection (4) of this section, and connect hearing persons within six months after the office receives the recommendations.~~

~~(3) The program will be funded by telecommunications devices for the deaf (TDD) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine the amount of money needed to fund the program. That information shall be given to the utilities and transportation commission. The utilities and transportation commission shall then determine the amount of TDD excise tax to be placed on each access line. The TDD excise tax shall not exceed ten cents per month per access line. The TDD excise tax shall be separately identified on each ratepayer's bill as "Telecommunications devices funds for deaf and hearing impaired." All proceeds from the TDD excise tax will be put into a fund to be administered by the office through the department.~~

~~(4)) The TDD advisory committee shall establish criteria and specify state-wide organizations representing the hearing or speech impaired meeting such criteria that are to receive telecommunications devices pursuant to RCW 43.20A.725(1), and in which offices the equipment shall be installed if an organization has more than one office.~~

~~((5) The office shall establish a policy determining the ultimate ownership and responsibility for the recovery of TDDs, signal devices, and amplifying accessories from recipients who are moving from this state.~~

~~(6) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services in accordance with the provisions of RCW 43.20A.725.~~

~~(7) A study will be authorized to determine the number of hearing impaired people who have party lines and the costs of converting them to single lines. The TDD advisory committee will report the study findings to the utilities and transportation commission. The study will be completed by the TDD advisory committee within a year of July 26, 1987.))~~

NEW SECTION, Sec. 5. Section 7, chapter 304, Laws of 1987 (uncodified) is repealed.

NEW SECTION, Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "impaired," strike the remainder of the title and insert "amending RCW 43.20A.720, 43.20A.725, and 43.20A.730; creating a new section; repealing section 7, chapter 304, Laws of 1987 (uncodified); and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Substitute Senate Bill No. 6290.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6290, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6290, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amundson, Anderson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi,

Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, Williams, Wojahn - 45.

Absent: Senator Vognild - 1.

Excused: Senators Matson, Patterson, West - 3.

SUBSTITUTE SENATE BILL NO. 6290, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6447 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds the best interests of the citizens of the state are served if:

(1) Customers served by public water systems are assured of an adequate quantity and quality of water supply at reasonable rates;

(2) There is improved coordination between state agencies engaged in water system planning and public health regulation and local governments responsible for land use regulation and public health and safety;

(3) Public water systems in violation of health and safety standards adopted under RCW 43.20.050 remain in operation and continue providing water service providing that public health is not compromised, assuming a suitable replacement purveyor is found and deficiencies are corrected in an expeditious manner consistent with public health and safety; and

(4) The state address, in a systematic and comprehensive fashion, new operating requirements which will be imposed on public water systems under the federal Safe Drinking Water Act.

Sec. 2. Section 14, chapter 72, Laws of 1967 as amended by section 2, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.140 are each amended to read as follows:

Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate and control it and to fix, alter, regulate and control the rates and charges for the service to those to whom such county service is available, and to levy charges for connection to such system. The rates for availability of service and connection charges so charged must be uniform for the same class of customers or service.

In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the board may consider any or all of the following factors:

(1) The difference in cost of service to the various customers within or without the area;

(2) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;

(3) The different character of the service furnished various customers;

(4) The quantity and quality of the sewage and/or water delivered and the time of its delivery;

(5) Capital contributions made to the system or systems, including, but not limited to, assessments; ~~((and))~~

(6) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety; and

(7) Any other matters which present a reasonable difference as a ground for distinction.

Such rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

Sec. 3. Section 5, chapter 102, Laws of 1967 ex. sess. as last amended by section 258, chapter 9, Laws of 1989 1st ex. sess. and RCW 43.70.190 are each amended to read as follows:

The secretary of health or local health officer may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules or regulation made by the state board of health or the department of health pursuant to said laws, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county. Upon the filing of any action, the court may, upon a showing of an immediate and serious danger to residents constituting an emergency, issue a temporary injunctive order ex parte.

NEW SECTION. Sec. 4. A new section is added to chapter 43.70 RCW to read as follows:

(1) In any action brought by the secretary of health or by a local health officer pursuant to chapter 7.60 RCW to place a public water system in receivership, the petition shall include the

names of one or more suitable candidates for receiver who have consented to assume operation of the water system. The department shall maintain a list of interested and qualified individuals, municipal entities, special purpose districts, and investor-owned water companies with experience in the provision of water service and a history of satisfactory operation of a water system. If there is no other person willing and able to be named as receiver, the court shall appoint the county in which the water system is located as receiver. The county may designate a county agency to operate the system, or it may contract with another individual or public water system to provide management for the system. If the county is appointed as receiver, the secretary of health and the county health officer shall provide regulatory oversight for the agency or other person responsible for managing the water system.

(2) In any petition for receivership under subsection (1) of this section, the department shall recommend that the court grant to the receiver full authority to act in the best interests of the customers served by the public water system. The receiver shall assess the capability, in conjunction with the department and local government, for the system to operate in compliance with health and safety standards, and shall report to the court its recommendations for the system's future operation, including the formation of a water district or other public entity, or ownership by another existing water system capable of providing service.

(3) If a petition for receivership and verifying affidavit executed by an appropriate departmental official allege an immediate and serious danger to residents constituting an emergency, the court shall set the matter for hearing within three days and may appoint a temporary receiver ex parte upon the strength of such petition and affidavit pending a full evidentiary hearing, which shall be held within fourteen days after receipt of the petition.

(4) A bond, if any is imposed upon a receiver, shall be minimal and shall reasonably relate to the level of operating revenue generated by the system. Any receiver appointed pursuant to this section shall not be held personally liable for any good faith, reasonable effort to assume possession of, and to operate, the system in compliance with the court's orders.

(5) The court shall authorize the receiver to impose reasonable assessments on a water system's customers to recover expenditures for improvements necessary for the public health and safety.

Sec. 5. Section 6, chapter 102, Laws of 1967 ex. sess. as last amended by section 259, chapter 9, Laws of 1989 1st ex. sess. and RCW 43.70.200 are each amended to read as follows:

Upon the request of a local health officer, the secretary of health is hereby authorized and empowered to take legal action to enforce the public health laws and rules and regulations of the state board of health or local rules and regulations within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by the laws of the state of Washington, including a proceeding under Title 7 RCW.

Sec. 6. Section 12, chapter 446, Laws of 1985 as last amended by section 3, chapter 93, Laws of 1988 and RCW 43.155.070 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment; ~~((and))~~

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system; and

(g) Other criteria that the board considers advisable.

(3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts

to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 7, Section 1, chapter 93, Laws of 1988 and RCW 43.155.065 are each amended to read as follows:

The board may make low-interest or interest-free loans to local governments for emergency public works projects. Emergency public works projects shall include the construction, repair, reconstruction, replacement, rehabilitation, or improvement of a public water system that is in violation of health and safety standards and is being operated by a local government on a temporary basis. The loans may be used to help fund all or part of an emergency public works project less any reimbursement from any of the following sources: (1) Federal disaster or emergency funds, including funds from the federal emergency management agency; (2) state disaster or emergency funds; (3) insurance settlements; or (4) litigation. Emergency loans may be made only from those funds specifically appropriated from the public works assistance account for such purpose by the legislature. The amount appropriated from the public works assistance account for emergency loan purposes shall not exceed five percent of the total amount appropriated from this account in any biennium.

Sec. 8, Section 4, chapter 271, Laws of 1986 as amended by section 135, chapter 175, Laws of 1989 and RCW 70.119A.040 are each amended to read as follows:

(1) In addition to or as an alternative to any other penalty provided by law, every person who commits any of the acts or omissions in RCW 70.119A.030 shall be subjected to a penalty in an amount of not less than five hundred dollars. The maximum penalty shall be not more than five thousand dollars per day for every such violation. Every such violation shall be a separate and distinct offense. The amount of fine shall reflect the health significance of the violation and the previous record of compliance on the part of the public water supplier. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty provided in this section.

(2) The penalty provided for in this section shall be imposed by a notice in writing to the person against whom the civil fine is assessed and shall describe the violation. The notice shall be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for remission or mitigation is made as provided in subsection (3) of this section or unless application for an adjudicative proceeding is filed as provided in subsection (4) of this section.

(3) Within fourteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall not mitigate the fines below the minimum penalty prescribed in subsection (1) of this section. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner as it may deem proper. When an application for remission or mitigation is made, a penalty incurred under this section is due twenty-eight days after receipt of the notice setting forth the disposition of the application, unless an application for an adjudicative proceeding to contest the disposition is filed as provided in subsection (4) of this section.

(4) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the department or board of health.

(5) A penalty imposed by a final order after an adjudicative proceeding is due upon service of the final order.

(6) The attorney general may bring an action in the name of the department in the superior court of Thurston county, or of any county in which such violator may do business, to collect a penalty.

(7) All penalties imposed under this section shall be payable to the state treasury and credited to the general fund.

NEW SECTION. Sec. 9. A new section is added to chapter 8.25 RCW to read as follows:

Consistent with standard appraisal practices, the valuation of a public water system as defined in RCW 70.119A.020 shall reflect the cost of system improvements necessary to comply with health and safety rules of the state board of health and applicable regulations developed under chapter 43.20, 43.20A, or 70.116 RCW.

Sec. 10. Section 12, chapter 51, Laws of 1967 ex. sess. as last amended by section 7, chapter 25, Laws of 1984 and RCW 70.05.070 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040, if any, shall:

(1) Enforce the public health statutes of the state, rules and regulations of the state board of health and the secretary of social and health services, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and filing of actions authorized by RCW 43.70.190;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the secretary of social and health services or his or her authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules and regulations of the state board of health(;;);

(8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;

(9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

NEW SECTION. Sec. 11. The department shall prepare a report for the legislature no later than December 1, 1990, with regard to the problems of small water systems and proposed solutions. Such a report shall be prepared in consultation with the utilities and transportation commission, the department of community development, department of ecology, public works assistance board, and associations of cities, counties, public and private utilities, water districts, local health directors, and other interested groups. The report shall address, at a minimum, the following topics, with alternative approaches or solutions:

(1) The number and locations of existing public systems that do not meet public health and safety standards;

(2) Costs associated with state enforcement of new federal standards under the 1986 amendments to the Safe Drinking Water Act, including expenses and potential financing mechanisms for the operating costs of receivers of water systems when the system revenue is otherwise inadequate to cover the costs;

(3) Available financing for capital improvements for both publicly owned and privately owned water systems;

(4) Legal and regulatory barriers to improved delivery of safe and reliable drinking water supplies to the state's residents and in particular regulating and enforcement overlap between the department and the utilities and transportation commission;

(5) The effect of falling or inadequate water supplies on the ability of an owner to sell, or a buyer to obtain financing to buy, residential real estate in this state;

(6) Staffing levels for both state and local agencies responsible for enforcing the state's drinking water laws, including mechanisms for funding such staff;

(7) Revisions to requirements relating to certification of operators for public water systems, including the utilization state-wide of a system of satellite operators; and

(8) Such other topics as are significant and relevant.

NEW SECTION, Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 36.94.140, 43.70.190, 43.70.200, 43.155.070, 43.155.065, 70.119A.040, and 70.05.070; adding a new section to chapter 8.25 RCW; adding a new section to chapter 43.70 RCW; creating new sections; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Benitz moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6447.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Benitz to concur in the House amendments to Substitute Senate Bill No. 6447.

The motion by Senator Benitz carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6447.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6447, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6447, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Matson, Patterson, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 6447, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6190 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** This act shall be known and cited as the Head Injury Prevention Act of 1990.

NEW SECTION, Sec. 2. The legislature finds that head injury is a major cause of death and disability for Washington citizens. The costs of head injury treatment and rehabilitation are extensive and resultant disabilities are long and indeterminate. These costs are often borne by public programs such as Medicaid. The legislature finds further that many such injuries are preventable. The legislature intends to reduce the occurrence of head injury by educating persons whose behavior may place them at risk and by regulating certain activities.

NEW SECTION, Sec. 3. As used in sections 1 through 6 of this act, the term "head injury" means traumatic brain injury.

A head injury prevention program is created in the department of health. The program's functions may be integrated with those of similar programs to promote comprehensive, integrated, and effective health promotion and disease prevention.

In consultation with the traffic safety commission, the department shall, directly or by contract, identify and coordinate public education efforts currently underway within state government and among private groups to prevent traumatic brain injury, including, but not limited to, bicycle safety, pedestrian safety, bicycle passenger seat safety, motorcycle safety, motor vehicle safety, and sports safety. If the department finds that programs are not available or not in

use, it may, within funds appropriated for the purpose, provide grants to promote public education efforts. Grants may be awarded only after recipients have demonstrated coordination with relevant and knowledgeable groups within their communities, including at least schools, brain injury support organizations, hospitals, physicians, traffic safety specialists, police, and the public. The department may accept grants, gifts, and donations from public or private sources to use to carry out the head injury prevention program.

The department may assess or contract for the assessment of the effectiveness of public education efforts coordinated or initiated by any agency of state government. Agencies are directed to cooperate with assessment efforts by providing access to data and program records as reasonably required. The department may seek and receive additional funds from the federal government or private sources for assessments. Assessments shall contain findings and recommendations that will improve the effectiveness of public education efforts. These findings shall be distributed among public and private groups concerned with traumatic brain injury prevention.

NEW SECTION. Sec. 4. The department of health, the department of licensing, and the traffic safety commission shall jointly prepare information for driver license manuals, driver education programs, and driving tests to increase driver awareness of pedestrian safety, to increase driver skills in avoiding pedestrian and motor vehicle accidents, and to determine drivers' abilities to avoid pedestrian motor vehicle accidents.

NEW SECTION. Sec. 5. The department shall establish a state-wide trauma registry to collect information on the incidence, severity, and causes of traumatic brain injury. The state-wide trauma registry shall identify and track major brain injury cases from injury through rehabilitation or recovery. The registry shall keep specific statistics on helmet and nonhelmet, motorcycle-related head and neck injuries. Specific data elements of the registry, sources for collecting the data, and data collection procedures shall be determined by the department by rule. Information obtained shall be used to design prevention and treatment programs. By January 1, 1991, the department shall report to the legislature on the feasibility, cost, and benefits of expanding the registry requirements of this section to include information on minor brain injuries.

NEW SECTION. Sec. 6. The department shall prepare guidelines on relevant training and education regarding traumatic brain injury for health and education professionals, and relevant public safety and law enforcement officials. The department shall distribute such guidelines and any recommendations for training or educational requirements for health professionals or educators to the disciplinary authorities governed by chapter 18.130 RCW and to educational service districts established under chapter 28A.21 RCW. Specifically, all emergency medical personnel shall be trained in proper helmet removal.

Sec. 7. Section 4, chapter 232, Laws of 1967 as last amended by section 732, chapter 330, Laws of 1987 and by section 1, chapter 454, Laws of 1987 and RCW 46.37.530 are each reenacted and amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931:

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol:

(c) For any person (~~(under the age of eighteen years)~~) to operate or ride upon a motorcycle (~~(or)~~), motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the (~~commission on equipment~~) state patrol except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion:

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle:

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the administrative procedure act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

Sec. 8. Section 10, chapter 232, Laws of 1967 as last amended by section 733, chapter 330, Laws of 1987 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles, motor-driven cycles, or mopeds unless ((he)) the person also has on hand for rent helmets of a type conforming to rules adopted by the state patrol.

It shall be unlawful for any person to rent a motorcycle, motor-driven cycle, or moped unless the person has in his or her possession a helmet of a type approved by the state patrol, regardless of from whom the helmet is obtained.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act are each added to chapter 43.70 RCW.

NEW SECTION. Sec. 10. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated from the public safety and education account to the department of health for the biennium ending June 30, 1991, to carry out the purposes of this act."

On page 1, line 1 of the title, after "injuries;" strike the remainder of the title and insert "amending RCW 46.37.535; reenacting and amending RCW 46.37.530; adding new sections to chapter 43.70 RCW; and making an appropriation."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator West moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6190.

MOTION

Senator Amondson moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 6190.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator West to concur in the House amendments to Substitute Senate Bill No. 6190.

The motion by Senator West carried on a rising vote and the Senate concurred in the House amendments to Substitute Senate Bill No. 6190.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6190, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6190, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, DeJamat, Fleming, Gaspard, Johnson, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rinehart, Saling, Smitherman, Stratton, Sutherland, Talmadge, Warnke, West, Wojahn - 32.

Voting nay: Senators Barr, Craswell, Hansen, Hayner, Madsen, McCaslin, Newhouse, Rasmussen, Sellar, Smith, Thorsness, von Reichbauer, Williams - 13.

Absent: Senator Conner - 1.

Excused: Senators Matson, Patterson, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 6190, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator West, Substitute Senate Bill No. 6190, as amended by the House, was ordered immediately transmitted to the House of Representatives.

MOTION

At 12:22 p.m., on motion of Senator Newhouse, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:22 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

Mr. President:

March 1, 1990

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6452 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 93, Laws of 1989 and RCW 41.04.660 are each amended to read as follows:

The Washington state leave sharing program is hereby created. The purpose of the program is to permit state employees, at no significantly increased cost to the state of providing annual or sick leave, to come to the aid of a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

Sec. 2. Section 4, chapter 93, Laws of 1989 and RCW 41.04.665 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(b) The employee's absence and the use of shared leave are justified;

(c) The employee has depleted or will shortly deplete his or her annual leave and sick leave reserves;

(d) The employee has abided by agency rules regarding sick leave use; and

(e) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(2) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, an employee shall not receive a total of more than two hundred sixty-one days of leave.

(3) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days.

(4) An employee of a community college, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than sixty days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer of more than six days of sick leave during any twelve month period, or request a transfer that would result in his or her sick leave account going below sixty days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.58.099(2) or 28A.21.102(1) with compensation for illness, injury, and emergencies.

(5) Transfers of leave made by an agency head under subsections (3) and (4) of this section shall not exceed the requested amount.

~~((5))~~ (6) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency. However, leave transferred to or from employees of school districts or educational service districts is limited to transfers to or from employees within the same employing district.

~~((6))~~ (7) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the annual leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

((7)) (8) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

((9)) (9) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

Sec. 3. Section 5, chapter 93, Laws of 1989 and RCW 41.04.670 are each amended to read as follows:

The state personnel board, the higher education personnel board, and other personnel authorities shall each adopt rules applicable to employees under their respective jurisdictions: (1) Establishing appropriate parameters for the program which are consistent with the provisions of RCW 41.04.650 through 41.04.665; (2) providing for equivalent treatment of employees between their respective jurisdictions and allowing transfers of leave in accordance with RCW 41.04.665(5); (3) establishing procedures to ensure that the program does not significantly increase the cost of providing ~~(annual)~~ leave; and (4) providing for the administration of the program and providing for maintenance and collection of sufficient information on the program to allow a thorough legislative review.

Sec. 4. Section 6, chapter 93, Laws of 1989 and RCW 28A.58.0991 are each amended to read as follows:

Every school district board of directors and educational service district superintendent may, in accordance with RCW 41.04.650 through 41.04.665, establish and administer ~~(an annual)~~ a leave sharing program for their certificated and noncertificated employees. For employees of school districts and educational service districts, the superintendent of public instruction shall adopt standards: (1) Establishing appropriate parameters for the program which are consistent with the provisions of RCW 41.04.650 through 41.04.665; and (2) establishing procedures to ensure that the program does not significantly increase the cost of providing ~~(annual)~~ leave.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "program," strike the remainder of the title and insert "amending RCW 41.04.660, 41.04.665, 41.04.670, and 28A.58.0991; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator McDonald moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6452.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDonald to concur in the House amendments to Engrossed Substitute Senate Bill No. 6452.

The motion by Senator McDonald carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6452.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6452, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6452, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amundson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators McMullen, Niemi - 2.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6452, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator McMullen was excused.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6191 with the following amendments:

On page 31, after line 13, insert the following:

"NEW SECTIONS. Sec. 32. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 6 of the title, after "18.73.085;" insert "creating a new section;"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator West, the Senate concurred in the House amendments to Substitute Senate Bill No. 6191.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6191, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6191, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, McMullen - 2.

SUBSTITUTE SENATE BILL NO. 6191, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1990

Mr. President:

The House has passed SENATE BILL NO. 6464 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 178, Laws of 1989 and RCW 46.25.050 are each amended to read as follows:

(1) Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992, except when driving under a commercial driver's instruction permit and a valid automobile or classified license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving. However, this requirement does not apply to any person:

(a) Who is the operator of a farm vehicle, and the vehicle is:

(i) Controlled and operated by a farmer;

(ii) Used to transport either agricultural products, farm machinery, farm supplies, or any combination of those materials to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within one hundred fifty miles of the person's farm; ((and

(v) ~~Not transporting hazardous materials required to be identified by a placard;~~) or

(b) Who is a fire fighter or law enforcement officer operating emergency equipment, and:

(i) The fire fighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The fire fighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course; or

(c) Who is operating a recreational vehicle for noncommercial purposes. As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1)."

On line 2 of the title, starting with "and" strike the remainder of the title, and insert "and amending RCW 46.25.050."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Senate Bill No. 6464.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6464, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6464, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SENATE BILL NO. 6464, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6473 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 11, chapter 136, Laws of 1981 as last amended by section 7, chapter 185, Laws of 1989 and RCW 72.09.100 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage not less than sixty percent of the approximate prevailing wage within the state for the occupation, as determined by the director of the correctional industries division. If the director finds that he cannot reasonably determine the wage, then the pay shall not be less than the federal minimum wage.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products

and services necessary for a complete product line, may be sold to public agencies (~~and~~), to nonprofit organizations (~~(-PROVIDED-That)~~), and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus by-products and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the federal minimum wage and which is approved by the director of correctional industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the minimum wage for their work.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an offender, placed on community supervision, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

NEW SECTION, Sec. 2. The department of corrections, in conjunction with representatives of labor and the business community, shall study the expansion of prison industries products to the private sector and report to the senate law and justice and house of representatives health care committees by January 1, 1991.

On page 1, line 1 of the title, after "industries;" strike the remainder of the title and insert "amending RCW 72.09.100; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6473.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6473, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6473, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6473, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6031 with the following amendments:

On page 4, beginning on line 9, strike all of sections 7 and 8 and insert the following:

*Sec. 7. Section 29.07.070, chapter 9, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070 are each amended to read as follows:

The registration officer shall interrogate the applicant for registration, concerning his or her qualifications as a voter of the state, and of the county, city, town, and precinct in which he or she applies for registration, requiring ~~(him)~~ the applicant to state:

(1) The previous address of the last former registration of the applicant as a voter in the state;

(2) His or her full name;

(3) Date of birth;

(4) Place of residence, street and number, if any, or post office or rural mail route address;

(5) Whether he or she is a citizen of the United States.

Answers to all questions shall be inserted on a single registration form to be prescribed by the secretary of state.

This section does not apply to registrations made under sections 1 through 6 of this 1990 act.

Sec. 8. Section 29.07.080, chapter 9, Laws of 1965 as last amended by section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080 are each amended to read as follows:

The registrar shall note the sex of the applicant on the registration form. ~~(He)~~ The registrar shall then require the applicant to sign an oath in the following form: "I, the undersigned, on oath or affirmation, do hereby declare that the facts set forth herein relating to my qualifications as a voter, recorded by the registration officer in my presence, are true. I further certify that I am not presently denied my civil rights as a result of being convicted of an infamous crime and that I will be at least eighteen years of age at the time of voting"; and the registration officer shall sign and date such oath in verification of the fact that the same was signed and sworn to before ~~(him)~~ the officer in the following form: "Subscribed and sworn to before me this day of 19 Registration Officer."

Otherwise the registration officer shall refuse to register the applicant. Upon receipt of the registration record, the county auditor shall note on the record all of the identifying code numbers and precinct in which the applicant resides.

This section does not apply to registrations made under sections 1 through 6 of this 1990 act.

On page 7, beginning on line 23, strike all of section 12

Renumber the remaining section consecutively.

On page 1, line 2 of the title, after "29.07.080," insert "and" and after "29.07.140" strike ", and 29.85.200".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6031, and asks the House to recede therefrom.

MOTION

On motion of Senator Anderson, Senator Cantu was excused.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6172 with the following amendment:

On page 2, line 13 strike "permit and applications information" and insert "information regarding permits and applications",

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator McCaslin moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 6172.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McCaslin to concur in the House amendment to Engrossed Senate Bill No. 6172.

The motion by Senator McCaslin carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 6172.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6172, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6172, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 46.

Absent: Senator Williams - 1.

Excused: Senators Cantu, Matson - 2.

ENGROSSED SENATE BILL NO. 6172, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 3, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6358, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 1, 1990

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 2956, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 1, 1990

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1491,

HOUSE BILL NO. 2262,

HOUSE BILL NO. 2294,

HOUSE BILL NO. 2330,

HOUSE BILL NO. 2335,

HOUSE BILL NO. 2842,

HOUSE BILL NO. 2850,

HOUSE BILL NO. 2859, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 27, 1990

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1055.

SUBSTITUTE HOUSE BILL NO. 1264.

SUBSTITUTE HOUSE BILL NO. 1394.

HOUSE BILL NO. 1523.

HOUSE BILL NO. 1571.

HOUSE BILL NO. 1703.

HOUSE BILL NO. 1881.

HOUSE BILL NO. 2032.

HOUSE BILL NO. 2260.

HOUSE BILL NO. 2265.

HOUSE BILL NO. 2276.

HOUSE BILL NO. 2292.

SUBSTITUTE HOUSE BILL NO. 2293.

SUBSTITUTE HOUSE BILL NO. 2337.

HOUSE BILL NO. 2410.

SUBSTITUTE HOUSE BILL NO. 2933.

HOUSE JOINT RESOLUTION NO. 4203.

HOUSE CONCURRENT RESOLUTION NO. 4432, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6499 with the following amendments:

On page 1, line 8, strike "and" and insert ", may impose an appearance fee on civil defendants in an amount it determines appropriate, and may impose".

On page 1, line 9, strike "five" and insert "fifteen"

On page 1, line 12, after "surcharge" insert "or appearance fee"

On page 1, line 25 after "act" insert ", and the defendant shall pay any appearance fee authorized by section 1 of this 1990 act".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Nelson moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6499.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe the amendments by the House of Representatives, particularly those pertaining to the appearance fee, as well as the increase in the filing fee for small claims court, expand the scope and object of the original Senate legislation. The original bill dealt with the issue of filing fees. It allowed local governments to impose an additional filing fee for purposes of alternative dispute resolutions mechanisms. The amendments deal with an appearance fee which is technically not a filing fee at all, but rather a fee that must be paid by a defendant who is responding to a complaint that has been filed against that defendant by the plaintiff. It creates a precedent that, I think, is far beyond the scope of this legislation where the Legislature for the first time would be saying to somebody who is responding to a lawsuit filed against them that they have to pay a fee, in addition to having the wonderful experience of being sued. I think it clearly expands the scope and object, as well as the amendment that would expand the filing fee for small claims court. Mr. President, I am raising scope and object on all the amendments, except the amendment on page 1, line 9."

Debate ensued.

There being no objection, the President deferred further consideration of Engrossed Substitute Senate Bill No. 6499.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6501 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The availability of credit is vital for agriculture. For that reason, the legislature has traditionally promoted the availability of agricultural credit. The legislature finds that lenders lack a uniformly effective means of providing notice of a lender's security interest in farm products to purchasers of the products. The legislature further finds that purchasers lack any practical method for discovering the existence of security interests in farm products.

Accordingly, it is the intent of the legislature to promote the development of a central filing system as provided in 7 U.S.C. Sec. 1631(c)(11) and to encourage private businesses to provide for expeditious discovery of liens and security interests in farm products.

Sec. 2. Section 9-307, chapter 157, Laws of 1965 ex. sess. as last amended by section 15, chapter 393, Laws of 1987 and RCW 62A.9-307 are each amended to read as follows:

(1) A buyer in ordinary course of business (subsection (9) of RCW 62A.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) A buyer who in the ordinary course of business buys farm products from a person engaged in farming operations buys and takes free of a security interest created by his or her seller, and a commission merchant or selling agent who in the ordinary course of business sells farm products for a person engaged in farming operations buys, takes, and sells free of a security interest created by his or her seller, even though the security interest is perfected and the buyer, commission merchant, or selling agent knows of the existence of such interest if:

(a) The buyer, commission merchant, or selling agent has registered with the department of licensing pursuant to RCW 62A.9-407(4); and

(i) The secured party has not filed an effective farm products notice statement with the department of licensing pursuant to RCW 62A.9-402(9); or

(ii) Such buyer, commission merchant, or selling agent does not receive from the department of licensing written notice that specifies the seller and farm product pursuant to RCW 62A.9-407(3), (5), and (6); or

(b) The secured party has not filed an effective farm products notice statement pursuant to RCW 62A.9-402(9) and the buyer, commission merchant, or selling agent has not received within one year before the sale from the secured party or seller written notice of the security interest containing:

(i) The name and address of the secured party;

(ii) The name and address of the debtor;

(iii) The social security number of the debtor or, in the case of a debtor doing business other than as an individual, the debtor's federal internal revenue service taxpayer identification number;

(iv) A description by category of the farm products subject to the security interest, including the amount of such products, if applicable;

(v) The crop year;

(vi) The county or counties where the farm products are produced or located and, if less than all of such farm products in a county are claimed, a reasonable description of the real property; and

(vii) Any payment obligations imposed by the secured party as a condition for waiver or release of the security interest;

The notice described in this subsection (b) must be amended in writing within three months and similarly signed and transmitted, to reflect material changes; or

(c) The buyer, commission merchant, or selling agent has obtained a waiver from the secured party by performing any payment obligation or otherwise.

(3) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

((3)) (4) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, unless made pursuant to a commitment entered into without knowledge of the purchase.

Sec. 3. Section 9-402, chapter 157, Laws of 1965 ex. sess. as last amended by section 2, chapter 251, Laws of 1989 and RCW 62A.9-402 are each amended to read as follows:

(1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or when the financing statement is filed as a fixture filing (RCW 62A.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under RCW 62A.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)

Address

Name of secured party (or assignee)

Address

1. This financing statement covers the following types (or items) of property:

(Describe)

2. (If applicable) The above goods are to become fixtures on*

(Describe Real Estate)

and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is

*Where appropriate substitute either "The above timber is standing on

" or "The above minerals or the like (including oil and gas) or accounts will be financed at the wellhead or minehead of the well or mine located on

3. (If products of collateral are claimed)

Products of the collateral are also covered

(use

whichever Signature of Debtor (or Assignor)

is

applicable) Signature of Secured Party (or Assignee)

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party: PROVIDED, That a secured party may amend a financing statement without the signature of the debtor when the amendment is to change the address or name of the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this Article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments. The fee for filing an amendment shall be the same as the fee for filing a financing statement.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or a financing statement filed as a fixture filing (RCW 62A.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No

fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement or an amendment is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

(9) Written notice of a security interest in farm products is sufficient for purposes of being filed in the system described in RCW 62A.9-407 (3) through (8) and shall, for purposes of such sections, be called an "effective farm products notice statement" if it contains the following information:

(a) The name and address of the debtor;

(b) The debtor's signature;

(c) The name, address, and signature of the secured party;

(d) The social security number of the debtor, or in the case of a debtor doing business other than as an individual, the debtor's federal internal revenue service taxpayer identification number;

(e) A description by category (as prescribed by rule pursuant to RCW 62A.9-407(3)) of the farm products subject to the security interest including the amount of such products if applicable;

(f) A reasonable description of the real estate where the farm products are produced or located. This provision may be satisfied by a designation of the county or counties, and a legal description shall not be required.

(10) An effective farm products notice statement described in subsection (9) of this section must be amended in writing within three months, and similarly signed and filed, to reflect any material changes.

(11) If a secured party fails to file a termination statement within ten days after proper demand for the statement, the secured party is liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by the failure.

Sec. 4. Section 9-407, chapter 157, Laws of 1965 ex. sess. as last amended by section 5, chapter 189, Laws of 1987 and RCW 62A.9-407 are each amended to read as follows:

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person following payment of the required fees, the department of licensing shall issue its certificate showing whether there is on file with the department of licensing on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. Upon request and following payment of the required fees, the department of licensing shall issue its certificate and shall furnish a copy of any filed financing statements or statements of assignment.

(3) The department of licensing shall develop and, following certification by the United States department of agriculture, implement a central filing system containing the information filed with it pursuant to RCW 62A.9-402(9). Under this system, the department shall record the date and time of filing and compile the information into a master list organized according to categories of farm products. The list shall be organized within each farm product category in alphabetical order according to the last name of the debtor (or, in the case of debtors doing business other than as individuals, the first word in the name of such debtor). The list shall be further organized according to and contain information required by federal law and regulation. The department shall, by rule adopted pursuant to chapter 34.05 RCW, designate the categories of farm products to be used in compiling the master list. The department may establish and maintain, by rule, a separate system for filing farm products notice statements and search, retrieval, and dissemination of information relating to effective farm products notice statements, and may require separate search requests for such information pursuant to a fee schedule to be established by rule.

(4) The department of licensing shall maintain a list of all buyers of farm products, commission merchants, selling agents, and other persons who register with the department indicating an interest in receiving the lists described in subsection (5) of this section.

(5) The department of licensing shall distribute complete master lists for each farm product category at least quarterly to each buyer, commission merchant, selling agent, and other person registered under subsection (4) of this section and distribute either complete lists or cumulative supplements, which supplements shall be issued not less frequently than twice monthly, of effective farm products notice statements filed subsequent to the last date of filing for effective farm products notice statements on the last preceding quarterly master list, which the buyer, commission merchant, or selling agent has requested. The buyer, commission merchant, or selling agent shall be deemed to have received the lists and supplements no later than the third calendar day following the date of mailing by the department or in the event the mail is not delivered on that day, the first day thereafter on which mail is delivered.

(6) Upon the request of any person not registered pursuant to RCW 62A.9-407(4), the department of licensing shall provide, within twenty-four hours, an oral confirmation of the filing of the notice described in RCW 62A.9-402(9) followed by a written confirmation.

(7) Upon request of any person and payment of such fees as may be established by the department by rule, the department shall furnish copies of particular filed effective farm products notice statements or statements of assignment if the requestor provides the department with the file numbers of the statement to be copied.

(8) The department of licensing shall establish a fee schedule by rule for registration and listing of buyers of farm products, commission merchants, and selling agents of farm products and for distribution of master lists and supplements of master lists and information and oral confirmation of filing as required by RCW 62A.9-407. The fee for registration of buyers of farm products shall not exceed fifty dollars.

NEW SECTION. Sec. 5. To encourage private enterprise, the department of licensing may appoint an agent or agents to develop, implement, and/or maintain a central filing system in compliance with this chapter: PROVIDED, That any such agent or agents must meet such financial responsibility standards as the department may require and further that the appointment of an agent or agents will facilitate the cost-effective operation of the department's responsibilities under this chapter. The department shall adopt any rules necessary for the implementation of this section.

NEW SECTION. Sec. 6. No suit or action shall ever be commenced or prosecuted against the director or the state of Washington by reason of any act done or omitted to be done by any agent appointed under section 5 of this act in the administration of the duties and responsibilities of the agent.

NEW SECTION. Sec. 7. All rules adopted under the provisions of this chapter are subject to the provisions of chapter 34.05 RCW concerning the adoption of rules. The department of licensing shall issue regulations requiring the master lists distributed to registrants to include a listing of statutory crop liens filed with the department.

NEW SECTION. Sec. 8. The central filing system program fund is created in the custody of the state treasurer. All receipts from the fees collected by the director under this chapter and RCW 62A.9-409(1) shall be deposited into the fund. Expenditures from the fund may be used only for the purposes of this act. Only the director of licensing or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 9. Sections 5 through 8 of this act are each added to chapter 62A.9 RCW.

NEW SECTION. Sec. 10. The sum of one hundred six thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of licensing for the purposes of this act. The amount spent shall be repaid to the general fund before the end of the biennium ending June 30, 1993, from the fees imposed pursuant to section 4(8) of this act.

NEW SECTION. Sec. 11. This act shall take effect July 1, 1991. The director of licensing may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 12. This act may be cited as the Washington central filing of crop liens act.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "crops," strike the remainder of the title and insert "amending RCW 62A.9-307, 62A.9-402, and 62A.9-407; adding new sections to chapter 62A.9 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6501 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6501 and the House amendments thereto: Senators Barr, Hansen and Newhouse.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6664 with the following amendments:

On page 1, line 29 after "rules" strike "and fees"

On page 2, line 1 after "rules" strike "and fees"

On page 2, line 13 after "endorsements" strike "as well as a handling fee to be established by rules by the department to help defray the cost of issuing the master license" and insert "as well as the handling fee established under section 3 of this act"

On page 3, beginning on line 9 strike section 3 and insert:

"NEW SECTION. Sec. 3. A new section is added to chapter 19.02 RCW to read as follows:

The department shall collect a handling fee of ten dollars for each original master license application and a handling fee of five dollars for each master license renewal application. The handling fees collected under this section shall be deposited in the general fund."

On page 3, beginning on line 33 strike section 5

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 1, line 3 of the title after "section" strike "repealing RCW 19.02.038 and 19.02.110";

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6664 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6411, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that demographic and economic changes are causing an increasing shortage of well trained workers within Washington. The working age population is growing at a decreasing rate due to the aging of the post World War II baby boom generation and due to a lower rate of birth. The current economic boom in the state is aggravating this long-term trend by lowering the rate of unemployed individuals seeking work. Because of the developing labor shortage, Washington businesses increasingly need to employ individuals from demographic groups which have been traditionally underrepresented among the employed population. Many of these and other individuals need training in order to have the skills required by employers. Despite economic growth, significant unemployment remains a serious and persistent problem in many areas of the state. By making first rate training available to individuals who lack suitable skills for employment in well-paying careers, the state will enhance employment opportunities for low-income individuals, unemployed persons, dislocated workers, and others enabling more citizens of the state to enjoy our economic prosperity.

The legislature further finds that our state's businesses have a growing need for highly trained workers because of the increasing technological complexity of occupations and due to

increasing world market competition. Because of these technical and economic changes, businesses in the future will need to fully utilize the capacities of their workers for skilled, flexible, and intelligent work.

The legislature further finds that the vast majority of the work force for the year 2000 and beyond is already of the age eighteen years or older. For the work force of the future to be well trained will require a first-rate adult training system. This system will need to train those individuals who are entering and reentering the labor market and those individuals already employed who need new or updated skills to meet changing technological and economic conditions. For the training system to be first rate will require a system that is well coordinated between service providers, is accountable for its performance, and is responsive to the needs of businesses and the work force. The training system must emphasize training in broad-based skills with long-term career potential. For the state to have a first rate training system requires a thorough study of our present and future training needs; experimentation in new ways of providing training; and leadership and recommendations from representatives of business, workers, and training providers.

The legislature further finds that adults without the basic skills needed for training in job skills are more likely to need unemployment compensation and welfare payments, and to fill our state's correctional institutions. The legislature intends to assess adult educational opportunities in the state for adults lacking basic literacy skills, for adults who have not received a high school diploma, and for adults who have received a high school diploma but whose level of achievement, based on standard measures, indicates that additional basic skills are necessary in order to enter a job training program.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(1) "Basic literacy" means achievement at a tenth grade educational level as measured by standardized tests.

(2) "Council" means the advisory council on investment in human capital.

(3) "Training" means any education, literacy, or skill training or retraining activity that is needed by an individual to begin or continue full participation in the Washington work force.

(4) "Training system" means the network of public and private providers of training, and includes secondary vocational education programs for gainful employment upon completion of a designated program sequence, but not other programs of primary or secondary education.

(5) "Training providers" includes agencies and institutions of secondary vocational education programs for gainful employment upon completion of a designated program sequence, adult education, vocational technical institutes, community colleges, apprenticeship programs, private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services, and private for-profit organizations that provide training as their primary service.

(6) "Workforce" means all persons of working age including those who are currently gainfully employed and those who are not.

NEW SECTION. Sec. 3. (1) There is created the advisory council on investment in human capital. The council shall consist of ten voting members, nine nonvoting members, and a nonvoting chairperson. The governor shall appoint the members of the council except for the legislative members. Three of the voting members shall be representatives of business, and three of the voting members shall be representatives of labor. Four of the voting members shall be the state superintendent of public instruction or the superintendent's designee, the executive director of the state board for community college education or the director's designee, the commissioner of the department of employment security or the commissioner's designee, and the director of the department of labor and industries or the director's designee. The nine nonvoting members shall be a member from each of the two major caucuses in the house of representatives appointed by the speaker of the house, a member from each of the two major caucuses in the senate appointed by the president of the senate, a representative of the council of vocational technical institutes, a representative of the general public, a representative of a broad-based coalition of groups providing literacy services, a representative of private or public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services, and a representative of private for-profit organizations which provide job training services as their primary service. The governor or the governor's designee shall serve as the nonvoting chairperson of the council.

(2) The council shall advise the office of financial management concerning the study of training authorized under section 4 of this act.

(3) The council shall advise the office of financial management and other appropriate state agencies concerning the pilot programs established under sections 5 through 9 of this act.

(4) The council shall make recommendations on changes necessary in state policies for training to the office of financial management and to the governor by December 1, 1990.

(5) The office of financial management and the office of the governor shall provide staff to the council as necessary to carry out the purposes of this act.

(6) The council shall meet as necessary to carry out the purposes of this act, and council members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, or 44.04.120.

NEW SECTION. Sec. 4. (1) The office of financial management shall, with the advice of the council, administer a study of the training needs of the state's work force, businesses, and the economy, including an evaluation of the training system. The office of financial management shall complete the study by December 1, 1990, and present the study to the council and governor. For purposes of the study, the office of financial management shall use already existing data whenever appropriate. As necessary, the labor market and economic analysis unit of the department of employment security shall assist the office of financial management with labor market and economic data, and state agencies that provide training shall assist the office of financial management with data on their training programs. The director of the office of financial management may contract for services necessary for the completion of the study, and shall contract for services as necessary to ensure objectivity in evaluating the training system. The study shall include:

(2) An assessment of the employment competency needs of the present Washington work force, including regional and demographic subgroups of the state work force, and projections of these competencies to the year 2010. Employment competency needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(3) An assessment of the current work force skill needs of Washington businesses and public employers, including subgroups by region, industry, and firm size, and projections of these needs to the year 2010. Work force skill needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(4) An assessment of the gaps which may exist between the competencies of the work force and the work force skill needs of Washington businesses between now and the year 2010 given current training policies;

(5) An assessment of the characteristics, size, and geographic distribution of Washington population groups which are in need of training between now and the year 2010;

(6) An inventory and analysis of alternative training programs, policies, and funding mechanisms including, but not limited to, financial contributions from businesses, workers, and trainees, which have been proposed or are in use in other states or other nations;

(7) An assessment of current data, information, monitoring, and evaluation systems so that training needs and training providers may be assessed on an ongoing, systematic, objective, and comprehensive basis. This assessment shall include integrating an evaluation component into each of the pilot programs authorized under sections 5 through 9 of this act;

(8) An inventory and analysis of the current training system in terms of organization, including the governance of vocational technical institutes, coordination, responsiveness, accountability, effectiveness, resources, support services for trainees, including but not limited to child care, and access, including access for subgroups of the population, including but not limited to subgroups by gender, race, ethnicity, and income level, and an inventory of training provided by employers whose primary product is not training;

(9) An analysis of current training programs to enable women and minorities to enter occupations and industries in which women and minorities have traditionally been underrepresented, and ways of improving such training;

(10) Recommendations for reducing the percentage of the adult population lacking basic literacy skills to five percent by the year 2010. The recommendations shall provide a framework for interagency collaboration and include:

(a) Recommendations on state policies and objectives to guide the adult literacy activities of the state;

(b) Recommendations on strategies and criteria for coordinating and enhancing adult literacy activities, programs, and services to achieve recommended state policies and objectives, meet the basic skill needs of the adult population, and maximize available state and local resources and expertise devoted to literacy training;

(c) Recommendations on methods to identify and recruit adults lacking basic literacy skills for placement in literacy training programs; and

(d) Recommendations on evaluation criteria to be used to assess literacy program successes and monitor compliance with recommended state policies and objectives;

(11) Recommendations on improving the overall governance of vocational education in this state, including but not limited to:

(a) Recommendations regarding establishing new state agencies or designating existing agencies to be responsible for coordinating vocational education;

(b) Recommendations on who should be assigned responsibility for those duties assigned by statute and delegated by executive order to the coordinating council for occupational education, the commission for vocational education, the state board for vocational education, the job training councils of the employment security department, and the council on vocational education; and

(c) Determination of ways to effectively develop a comprehensive state plan for vocational education and coordinate vocational education programs;

(12) Recommendations for accountability at the state level for the Washington institute of applied technology and alternative methods for governance; and

(13) Recommendations on changes in the training system, including but not limited to ways of improving coordination and integration to meet the present and future needs of the work force, businesses, and the economy.

NEW SECTION. Sec. 5. The office of financial management and the office of the governor, with the advice of the council, shall oversee the pilot programs for job training. The pilot programs shall test means of integrating delivery systems and improving the responsiveness of training providers to the needs of businesses and the work force. Each pilot program shall integrate an evaluation component in conjunction with the study conducted under section 4 of this act.

NEW SECTION. Sec. 6. The state board for community college education shall, in cooperation with the office of financial management, administer pilot programs which provide additional community college training programs incorporating new means of responding to the needs of businesses and the work force. The state board for community college education shall, as appropriate, coordinate these projects with the economic development services provided by the department of trade and economic development and the department of employment security.

NEW SECTION. Sec. 7. The employment security department shall conduct a pilot program for the provision of training and access to related services for workers in timber or wood products industries who have been dislocated from rural firms, or for workers dislocated from rural firms, employing fifty or fewer persons on a full-time basis.

NEW SECTION. Sec. 8. The department of employment security shall, in cooperation with the office of financial management and other appropriate state agencies, administer a pilot program on integrating training services with programs for substance abuse prevention and or treatment for youth.

NEW SECTION. Sec. 9. The superintendent of public instruction shall administer a pilot program on integrating adult education instruction within vocational technical institutes. Under this pilot program the vocational technical institutes shall provide two hundred thousand additional hours of adult education instruction.

NEW SECTION. Sec. 10. The legislature finds that school districts may provide vocational education programs for students more effectively through cooperatives using existing district facilities, facilities at work sites, and facilities including but not limited to mobile instructional units, distance learning, and computers, without the need to construct separate facilities. It is the intent of the legislature to encourage such cooperatives among school districts on a demonstration basis.

NEW SECTION. Sec. 11. The superintendent of public instruction may establish a grant award program to establish demonstration vocational cooperatives for the purposes of sections 10 through 16 of this act. Grants may be awarded for not more than three projects. The cooperatives approved should include projects in urban and rural areas and districts of varying characteristics and size.

NEW SECTION. Sec. 12. Initial applications to participate in the demonstration vocational cooperative program shall be submitted to the superintendent of public instruction not later than June 30, 1990. Each application shall contain a proposed plan that:

- (1) Explains how the plan meets the criteria;
- (2) Describes specific activities to be carried out;
- (3) Identifies the evaluation processes to be used; and
- (4) Includes a copy of the agreement for joint cooperative action pursuant to chapter 39.34 RCW.

NEW SECTION. Sec. 13. The superintendent of public instruction shall administer sections 10 through 16 of this act subject to legislative appropriation for this purpose. The superintendent shall approve requests based on criteria established by the superintendent and notify districts of grant awards on or before August 1, 1990. The demonstration vocational cooperative projects shall begin with the 1990-91 school year. The grant awards may be continued for up to five years if the funds are so provided.

NEW SECTION. Sec. 14. The grant awards for such demonstration vocational cooperatives shall be based on an allocation which includes:

- (1) The same amount as would be calculated pursuant to RCW 28A.41.140 for a skill center with the same full time equivalent enrollment; and
- (2) An amount to compensate the serving districts for costs to administer the cooperatives pursuant to standards established by the superintendent of public instruction.

NEW SECTION. Sec. 15. Following the completion of each year of operation, each demonstration vocational cooperative shall submit an evaluation of the cooperative program to the superintendent of public instruction in accordance with requirements of the superintendent. On or before July 1, 1992, the superintendent of public instruction shall submit a report to the education committees and the economic development committees of the house of representatives and the senate including the cooperative evaluations and recommendations concerning the continuation of this program.

NEW SECTION. Sec. 16. The superintendent of public instruction shall adopt rules under chapter 34.05 RCW if necessary to implement the superintendent's duties under sections 10 through 15 of this act.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act shall expire on July 1, 1991.

NEW SECTION. Sec. 19. (1) If funding for the purposes of section 4 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 4 of this act shall be null and void.

(2) If funding is not provided for any of the pilot programs described in sections 5 through 16 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, the section or sections describing that pilot program shall be null and void.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "capital," strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 6411 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 6411 and the House amendments thereto: Senators Lee, Smitherman and Saling.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 26, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5340 with the following amendment:

On page 1, line 23 after "deposited," strike all material to and including "transfers," on line 24 and insert "unless the deposit is made in cash, by interbank electronic transfer, or in a form that permits conversion of the deposit to cash on the same day the deposit is made."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator von Reichbauer moved that the Senate do not concur in the House amendment to Substitute Senate Bill No. 5340 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator von Reichbauer that the Senate do not concur in the House amendment to Substitute Senate Bill No. 5340 and requests of the House a conference thereon.

The motion by Senator von Reichbauer carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5340 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5340 and the House amendment thereto: Senators von Reichbauer, Warnke and Johnson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825, by Committee on Transportation (originally sponsored by Representatives R. Fisher, Wood, Walk, Nelson, G. Fisher, Day, Hankins, Walker, Cantwell, Todd, Heavey, Winsley, Pruitt, Wang, Prentice, R. King, Scott, Crane and Fraser)

Changing provisions relating to high capacity transportation systems.

The bill was read the second time.

MOTION

Senator Patterson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"INDEX

| | |
|--|----------------|
| Part I. Rail Freight | Sections 1-11 |
| Part II. High Occupancy Vehicle Lane Development | Sections 12-21 |
| Part III. High Capacity System Development | Sections 22-35 |
| Part IV. AMTRAK Activities | Sections 36-40 |
| Part V. High Capacity Funding Authorizations | Sections 41-45 |
| Part VI. High Capacity Transportation Account | Sections 46-48 |
| Part VII. Miscellaneous | Sections 49-57 |

PART I
RAIL FREIGHT

NEW SECTION. Sec. 1. PURPOSE OF STATE FREIGHT RAIL PROGRAM. The legislature finds that a balanced multimodal transportation system is required to maintain the state's commitment to the growing mobility needs of its citizens and commerce. Freight rail systems are important elements of this multimodal system.

Washington's economy relies heavily upon the freight rail system to ensure movement of the state's agricultural, chemical, and natural resource products to local, national, and international markets. Since 1970, Washington has lost nearly one-third of its five thousand two hundred rail miles to abandonment and bankruptcies, leaving approximately three thousand four hundred rail miles. Recognizing the implications of this trend for freight mobility and the state's economic future, the legislature believes that better freight rail planning, better cooperation to preserve rail lines, and increased financial assistance from the state are necessary to maintain and improve the freight rail system within the state.

NEW SECTION. Sec. 2. STATE FREIGHT RAIL PROGRAM. The Washington state department of transportation shall implement a state freight rail program for rail coordination, planning, and technical assistance.

NEW SECTION. Sec. 3. FREIGHT RAIL PLANNING. (1) The department of transportation shall continue its responsibility for the development and implementation of the state rail plan and programs, and the utilities and transportation commission shall continue its responsibility for intrastate rates, service, and safety issues.

(2) The department of transportation shall maintain an enhanced data file on the rail system. Proprietary annual station traffic data from each railroad and the modal use of major shippers shall be obtained to the extent that such information is available.

(3) The department of transportation shall provide technical assistance, upon request, to state agencies and local interests. Technical assistance includes, but is not limited to, the following:

(a) Abandonment cost-benefit analyses, to include the public and private costs and benefits of maintaining the service, providing alternative service including necessary road improvement costs, or of taking no action;

(b) Assistance in the formation of county rail districts and port districts; and

(c) Feasibility studies for rail service continuation and/or rail service assistance.

(4) With funding authorized by the legislature, the department of transportation shall develop a cooperative process to conduct community and business information programs and

to regularly disseminate information on rail matters. The following agencies and jurisdictions shall be involved in the process:

(a) The state departments of community development and trade and economic development;

(b) Local jurisdictions and local economic development agencies; and

(c) Other interested public and private organizations.

NEW SECTION, Sec. 4. FREIGHT RAIL PRESERVATION PROGRAM. The state, counties, local communities, railroads, labor, and shippers all benefit from continuation of rail service and should participate in its preservation. Lines which provide benefits to the state and local jurisdictions, such as avoided roadway costs, reduced traffic congestion, economic development potential, environmental protection, and safety, should be assisted through the joint efforts of the state, local jurisdictions, and the private sector.

(1) The department of transportation shall continue to monitor the status of the state's light density line system through the state rail plan and various analyses, and shall seek alternatives to abandonment prior to interstate commerce commission proceedings, where feasible.

(2) The utilities and transportation commission shall intervene in interstate commerce commission proceedings on abandonments, when necessary, to protect the state's interest.

(3) As conditions warrant, the following criteria shall be used for identifying the state's essential rail system:

(a) Established regional and short-line carriers excluding private operations which are not common carriers;

(b) Former state project lines, which are lines that have been studied and have received funds from the state and federal governments;

(c) Lines serving major agricultural and forest product areas or terminals, with such terminals generally being within a fifty-mile radius of producing areas, and sites associated with commodities shipped by rail;

(d) Lines serving ports, seaports, and navigable river ports;

(e) Lines serving power plants or energy resources;

(f) Lines used for passenger service;

(g) Mainlines connecting to the national and Canadian rail systems;

(h) Major intermodal service points or hubs; and

(i) The military's strategic rail network.

(4) Local jurisdictions may implement rail service preservation projects in the absence of state participation.

(5) The department of transportation shall continue to monitor projects for which it provides assistance.

NEW SECTION, Sec. 5. RAIL CORRIDOR PRESERVATION GUIDELINES. In rail banking situations where it is not practicable to implement or continue freight rail service operations until some future date and the line's right of way is available for purchase and/or meets the criteria of chapter 47.76 RCW:

(1) The department of transportation shall preserve rail corridors for future rail service by purchasing the rights of way with funds specifically appropriated from the essential rail banking account created in section 7 of this act.

(2) Acquisition of rights of way may also include track, bridges, and associated elements.

(3) All corridors purchased under the rail bank program shall be identified by the department of transportation.

(4) All corridors acquired by governmental entities by donation or reversion for future rail use shall be identified in the rail bank program.

(5) Any rail rights of way acquired with state money will be for present or future rail purposes and can only be used for other purposes with the consent of the Washington state department of transportation and the consent of the underlying fee title holder or reversionary rights holder, or if compensation has been made to the underlying fee title holder or reversionary rights holder.

NEW SECTION, Sec. 6. FINANCING MECHANISMS AND SOURCES FOR PUBLIC RAILROADS. State funding for rail service preservation shall benefit the state's interests, which include reducing public roadway maintenance and repair costs, increasing economic development opportunities, preserving jobs, and enhancing safety, and shall be contingent upon appropriate local participation.

NEW SECTION, Sec. 7. ESSENTIAL RAIL BANKING ACCOUNT—CREATION. (1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to first class cities, port districts and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

- (a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;
- (b) The right of way may be or has been abandoned;
- (c) The right of way has potential for future rail service; and
- (d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after obtaining the approval of the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for fire and weed control and for liability associated with ownership. Nothing in this section and in sections 5 and 11 of this act shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

(4) All earnings of investments of balances in the essential rail banking account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

NEW SECTION, Sec. 8. EVALUATING PROGRAM PERFORMANCE. The department shall evaluate the state freight rail program performance at the end of six years with respect to past and current conditions and future needs. The results of this evaluation shall be presented to the legislative transportation committee.

NEW SECTION, Sec. 9. TAX RELIEF STUDY. The department of revenue, working with the department of transportation, shall study and report its findings to the legislative transportation committee, by December 1, 1991, with respect to a potential tax relief program under Title 84 RCW for railroad operating properties, which shall provide tax credits for railroad participation in rail service preservation or improvement projects implemented on the light density line system.

NEW SECTION, Sec. 10. MONITORING FEDERAL RAIL POLICIES. The department of transportation shall continue to monitor federal rail policies and congressional action and communicate to Washington's congressional delegation and federal transportation agencies the need for a balanced transportation system and associated funding.

Sec. 11, Section 6, chapter 303, Laws of 1983 as amended by section 64, chapter 57, Laws of 1985 and by section 2, chapter 432, Laws of 1985 and RCW 47.76.030 are each reenacted and amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys ~~(tm)~~ appropriated from the account to the department of transportation may be distributed by the department to first class cities, county rail districts and port districts for the purpose of:

- (a) Acquiring, maintaining, or improving branch rail lines; ~~(or)~~
- (b) Operating railroad equipment necessary to maintain essential rail service;
- (c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or
- (d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

(3) ~~(Moneys in the account may be distributed to the department to purchase unused rail right of way that meets the following criteria:~~

~~(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to RCW 47.76.020;~~

~~(b) The right of way has been abandoned and is available for acquisition;~~

~~(c) The right of way has potential for future rail service; and~~

~~(d) Reestablishment of rail service in the future would benefit the state of Washington;~~

~~The department may exercise its authority to use moneys in the account for the purposes of this subsection only with legislative appropriation for this purpose or upon receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. Nothing in this section shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.~~

~~(4)) First class cities, county rail districts and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.~~

~~(4) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the~~

consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder.

(5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the first class city, county, port district, or other local sources.

(6) The amount distributed under this section shall be repaid to the state by the first class city, county rail district or port district. The repayment shall occur within ((ten years)) a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

(7) All earnings of investments of balances in the essential rail assistance account shall be credited to ((the general fund)) that account except as provided in RCW 43.84.090 and 43.84.092.

PART II

HIGH OCCUPANCY VEHICLE LANE DEVELOPMENT

NEW SECTION, Sec. 12. PURPOSE FOR ACCELERATING HIGH OCCUPANCY VEHICLE SYSTEM DEVELOPMENT AND UTILIZATION. The need for mobility, growing travel demand, and increasing traffic congestion in urban areas necessitate accelerated development and increased utilization of the high occupancy vehicle system. Sections 14 and 17 of this act provide taxing authority that counties can use in the near term to accelerate development and increase utilization of the high occupancy vehicle system by supplementing available federal, state, and local funds.

NEW SECTION, Sec. 13. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 12 through 21 of this act.

(1) "Transit agency" means a city that operates a transit system, a public transportation benefit area, a county transportation authority, or a metropolitan municipal corporation.

(2) The "high occupancy vehicle system" includes high occupancy vehicle lanes, related high occupancy vehicle facilities, and high occupancy vehicle programs.

(3) "High occupancy vehicle lanes" mean lanes reserved for public transportation vehicles only or public transportation vehicles and private vehicles carrying no fewer than a specified number of passengers under RCW 46.61.165.

(4) "Related facilities" means park and ride lots, park and pool lots, ramps, bypasses, turnouts, signal preemption, and other improvements designed to maximize use of the high occupancy vehicle system.

(5) "High occupancy vehicle program" means advertising the high occupancy vehicle system, promoting carpool, vanpool, and transit use, providing vanpool vehicles, and enforcement of driving restrictions governing high occupancy vehicle lanes.

NEW SECTION, Sec. 14. EMPLOYER TAX. (1) A class AA county or a class A county adjoining a class AA county having within its boundaries existing or planned high occupancy vehicle lanes on the state highway system, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. The term employer within this section does not include (a) educational, cultural, or health organizations which are tax exempt under section 501(c)(3) of the Internal Revenue Code; (b) charitable or religious nonprofit organizations; or (c) governmental entities licensed under chapter 70.41 RCW.

Counties may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county shall adopt rules which exempt from all or a portion of the tax any employer that has entered into an agreement with the county that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under section 15 of this act.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in section 17 of this act is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under section 17 of this act.

NEW SECTION, Sec. 15. ADOPTION OF GOALS. The legislature encourages counties, in conjunction with cities, metropolitan planning organizations, and transit agencies in metropolitan areas to adopt goals for reducing the proportion of commuters who drive in single-occupant

vehicles during peak commuting periods. Any county imposing a tax under this chapter must adopt such goals. In adopting these goals, counties shall consider at least the following:

- (1) Existing and anticipated levels of peak-period traffic congestion on roadways used by employees in commuting to work;
- (2) Existing and anticipated levels of transit and vanpool service and carpool programs available to and from the worksite;
- (3) Variations in employment density and employer size;
- (4) Availability and cost of parking; and
- (5) Consistency of the goals with the regional transportation plan.

NEW SECTION. Sec. 16. SURVEY OF TAX USE. The department of transportation shall include in the annual transit report under chapter (EHB 1438), Laws of 1989 an element describing actions taken under this chapter. On at least two occasions prior to December 31, 1998, the department shall include an evaluation of the effectiveness of such actions.

NEW SECTION. Sec. 17. EXCISE TAX. A class AA county and a class A county adjoining a class AA county, having within their boundaries existing or planned high occupancy vehicle lanes on the state highway system may, with voter approval, impose a local surcharge of not more than fifteen percent on the state motor vehicle excise tax paid under RCW 82.44.020(1) on vehicles registered to a person residing within the county. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Counties imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to state motor vehicle excise taxes, be applicable to surcharges imposed under this section.

If the tax authorized in section 14 of this act is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under this section.

NEW SECTION. Sec. 18. HIGH OCCUPANCY VEHICLE ACCOUNT. Funds collected by the department of revenue or other entity under section 14 of this act, or by the department of licensing under section 17 of this act, less the deduction for collection expenses, shall be deposited in the high occupancy vehicle account hereby created in the custody of the state treasurer. On the first day of the months of January, April, July, and October of each year, the state treasurer shall distribute the funds in the account to the counties on whose behalf the funds were received. The state treasurer shall make the distribution under this section without appropriation. All earnings of investments of balances in this account shall be credited to this account except as provided in RCW 43.84.090 and 43.84.092.

NEW SECTION. Sec. 19. USE OF FUNDS. Funds collected under section 14 or 17 of this act and any investment earnings accruing thereon shall be used by the county in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under section 14(3) of this act, for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in section 13(5) of this act, and for commuter rail projects in accordance with section 33 of this act. No funds collected under sections 14 or 17 of this act after June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

- (1)(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;
- (b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.
- (2) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

Moneys received by an agency under sections 12 through 21 of this act shall be used in addition to, and not as a substitute for, moneys currently used by the agency for the purposes specified in this section.

Counties may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds.

NEW SECTION. Sec. 20. ESTABLISH POLICIES—INTERLOCAL AGREEMENTS. Counties imposing a tax under this chapter shall enter into an agreement through the interlocal cooperation act with the department of transportation. The agreement shall provide an opportunity

for the department of transportation, cities and transit agencies having within their boundaries a portion of the existing or planned high occupancy vehicle system as contained in the regional transportation plan, to coordinate programming and operational decisions affecting the high occupancy vehicle system. If two or more adjoining counties impose a tax under section 14 or 17 of this act, the counties shall jointly enter one interlocal agreement with the department of transportation.

NEW SECTION. Sec. 21. URBAN PUBLIC TRANSPORTATION SYSTEM. The high occupancy vehicle system is an urban public transportation system as defined in RCW 47.04.082.

PART III

HIGH CAPACITY SYSTEM DEVELOPMENT

NEW SECTION. Sec. 22. PURPOSE OF STATE HIGH CAPACITY TRANSPORTATION PROGRAM. Increasing congestion on Washington's roadways calls for identification and implementation of high capacity transportation system alternatives. "High capacity transportation system" means a system of transportation services, operating principally on exclusive rights of way, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally on general purpose roadway rights of way. The legislature believes that local jurisdictions should coordinate and be responsible for high capacity transportation policy development, program planning, and implementation. The state should assist by working with local agencies on issues involving rights of way, partially financing projects meeting established state criteria, authorizing local jurisdictions to finance high capacity transportation systems through voter-approved tax options, and providing technical assistance and information.

NEW SECTION. Sec. 23. STATE POLICY ROLES IN DEVELOPMENT OF HIGH CAPACITY TRANSPORTATION SYSTEM ALTERNATIVES. The department of transportation's current policy role in transit is expanded to include other high capacity transportation development as part of a multimodal transportation system.

(1) The department of transportation shall implement a program for high capacity transportation coordination, planning, and technical studies with appropriations from the high capacity transportation account.

(2) The department shall assist local jurisdictions and metropolitan planning organizations with high capacity transportation planning efforts.

NEW SECTION. Sec. 24. HIGH CAPACITY TRANSPORTATION POLICY DEVELOPMENT OUTSIDE CENTRAL PUGET SOUND. (1) In any class A county not bordered by a class AA county and in counties of the first class and smaller, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

(a) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and an implementation program including a financing program.

(b) An interim regional authority may be formed pursuant to section 25(2) of this act and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or nation.

NEW SECTION. Sec. 25. HIGH CAPACITY TRANSPORTATION POLICY DEVELOPMENT IN CENTRAL PUGET SOUND. (1) Agencies in a class AA county and in class A counties bordering a class AA county that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation system plan and an implementation program including a financing package. This plan shall be in conformance with the metropolitan planning organization's regional transportation plan.

(c) Interlocal agreements shall be executed within two years of the effective date of this act. The joint regional policy committee shall present a high capacity transportation plan and

local funding program to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted plan and financing program for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation plan and financing program in any service district within each county. Implementation of the program may proceed in any service area approving the plan and program.

(2) If interlocal agreements have not been executed within two years from the effective date of this act, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a class AA county and in class A counties bordering a class AA county.

(a) Public notice of the conference shall occur thirty days before the date of the conference.

(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a class AA county and in class A counties bordering a class AA county and to determine the desirability of a regional approach to developing such service.

(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.

(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.

(i) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city-owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.

(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.

(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.

(4) High capacity transportation service planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

NEW SECTION, Sec. 26. EXPANSION OF HIGH CAPACITY TRANSPORTATION SERVICE BOUNDARIES. Regional high capacity transportation service boundaries may be expanded beyond the established service district through interlocal agreements among the transit agencies.

NEW SECTION, Sec. 27. STATE ROLE IN HIGH CAPACITY TRANSPORTATION PROGRAM PLANNING AND IMPLEMENTATION. The state's planning role in high capacity transportation development as one element of a multimodal transportation system should facilitate cooperative state and local planning efforts.

(1) The department of transportation may serve as a contractor for high capacity transportation system design, administer construction, and assist agencies authorized to provide service in the acquisition, preservation, and joint use of rights of way.

(2) The department and local jurisdictions shall continue to cooperate with respect to the development of park-and-ride facilities, associated roadways, transfer stations, people mover systems developed either by the public or private sector, and other related projects.

(3) The department in cooperation with local jurisdictions shall develop policies which enhance the development of high speed intercity systems by both the private and the public sector. These policies may address joint use of rights of way, identification and preservation of transportation corridors, and joint development of stations and other facilities.

NEW SECTION. Sec. 28. RESPONSIBILITY FOR HIGH CAPACITY TRANSPORTATION SYSTEM IMPLEMENTATION. (1) The state shall not become an operating agent for regional high capacity transportation systems.

(2) Agencies providing high capacity transportation service are responsible for planning, construction, operations, and funding including station area design and development, and parking facilities. Agencies may implement necessary contracts, joint development agreements, and interlocal government agreements. Agencies providing service shall consult with affected local jurisdictions and cooperate with comprehensive planning processes.

NEW SECTION. Sec. 29. REGIONAL TRANSPORTATION PLANNING. Regional transportation plans should be considered in adopting local land use plans. Regional transportation plans and local land use plans should address the impacts of urban growth on effective high capacity transportation planning and development, and provide for cooperation between local jurisdictions and transit agencies.

(1) Regional high capacity transportation plans shall be included in the designated metropolitan planning organization's regional transportation plan review and update process to facilitate development of a coordinated multimodal transportation system and to meet federal funding requirements.

(2) The state and local jurisdictions shall cooperate in encouraging land uses compatible with development of high capacity transportation systems. These include developing sufficient land use densities through local actions in high capacity transportation corridors and near passenger stations, preserving transit rights of way, and protecting the region's environmental quality. In developing local actions intended to carry out these policies local governments shall insure the opportunity for public comment and participation in the siting of such facilities, including stations or transfer facilities. Agencies providing high capacity transportation services, in cooperation with public and private interests, shall promote transit-compatible land uses and development which includes joint development.

(3) Agencies providing high capacity transportation service and transit agencies shall develop a cooperative process for the planning, development, operations, and funding of feeder transportation systems. Feeder systems may include existing and future intercity passenger systems and alternative technology people mover systems which may be developed by the private or public sector.

(4) Jurisdictions, working through their designated metropolitan planning organizations, shall manage a right of way preservation review process which includes activities to promote the preservation of the high capacity transportation rights of way.

(a) Jurisdictions shall forward all development proposals for projects within and adjoining to the rights of way proposed for preservation to the designated metropolitan planning organizations, which shall distribute the proposals for local and regional agency review.

(b) The metropolitan planning organizations shall also review proposals for conformance with the regional transportation plan and associated regional development strategies. The designated metropolitan planning organization shall within ninety days compile local and regional agency comments and communicate the same to the originating jurisdiction and the joint regional policy committee or, if established, a regional high capacity transportation authority.

NEW SECTION. Sec. 30. DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES. The department of transportation shall, upon dissolution of the rail development commission, assume responsibility for distributing amounts appropriated from the high capacity transportation account and shall prioritize funding requests based on criteria in subsection (3) of this section.

(1) The department shall establish an advisory council of policy and technical experts pursuant to RCW 47.01.091 to assist in the review of requests for high capacity transportation account funds. The council shall be comprised of one representative from each congressional district, a designee of the governor, the executive director or a designee of the transportation improvement board, the director of the Washington state transportation center, and the chair or designee of the legislative transportation committee.

(2) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts and for support of interim regional high capacity transportation authorities.

(3) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

(a) Conformance with the designated metropolitan planning organization's regional transportation plan;

(b) Local matching funds;

(c) Demonstration of projected improvement in regional mobility;

(d) Conformance with planning requirements prescribed in section 31 of this act, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of section 32 of this act; and

(e)(i) Establishment, through interlocal agreements, of a regional policy committee with proportional representation based upon population distribution within each agency's designated service area as defined in section 24 of this act;

(ii) Establishment of a demonstrated regional agreement through a multijurisdictional conference to pursue high capacity transportation development on a subregional basis through established transit planning and operating agencies as defined in section 25 of this act; or

(iii) Establishment, through a multijurisdictional conference, of an interim high capacity transportation authority as defined in section 25 of this act.

(4) The department of transportation shall provide general review and monitoring of the planning process prescribed in section 31 of this act.

NEW SECTION, Sec. 31. PLANNING PROCESS. To assure the adoption of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) System planning is the ongoing urban transportation planning process conducted in each urbanized area by its metropolitan planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The system planning process provides a comprehensive view of the region's transportation needs but does not select a specified mode to serve those needs. System planning shall identify a priority corridor for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2)(a) Project planning is the detailed evaluation of a range of transportation options, including (i) do nothing, (ii) low capital, and (iii) ranges of higher capital facilities.

(b) Project planning shall proceed as follows:

(i) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the project planning process.

(ii) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider several candidate technologies shall be developed.

(iii) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

(iv) Study of options. The local transit agency shall use the methods described in (iii) of this subsection to produce impact information needed for project evaluation and for the preparation of an environmental impact statement. The impact evaluation shall address the impact that such a project will have on abutting or nearby residential or commercial property owners. The process of identification of corridors shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

(v) Review and monitor. The department of transportation shall provide project review and monitoring in cooperation with the expert review panel identified in section 32 of this act. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

(vi) Detailed planning process. In order to increase the likelihood of future federal funding, the system and project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

NEW SECTION, Sec. 32. INDEPENDENT PROJECT OVERSIGHT. The legislature recognizes that the planning process described in section 31 of this act provides a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate transit decisions unless key study assumptions are reasonable.

To assure appropriate project assumptions and to provide for review of project results, the department of transportation shall develop independent oversight procedures which are appropriate to the scope of any project for which high capacity transportation account funds are requested.

An expert review panel shall be appointed to provide independent technical review for any project which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in section 35 of this act.

(1) The expert review panel shall consist of ten members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chair of the legislative transportation committee, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(3) The chair of the expert review panel shall be designated by the appointing body.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to chapter 43.03 RCW.

(5) Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.

(6) The expert panel shall review all reports required in section 31(2)(b)(vi) of this act but shall concentrate on service modes and concepts, costs, patronage, financing, and project evaluation.

(7) The expert panel shall provide timely reviews and comments on individual project reports and study conclusions to the governor, the legislative transportation committee, the department of transportation, and the submitting lead transit agency.

(8) The legislative transportation committee shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the legislative transportation committee and shall be paid from the high capacity transportation account.

NEW SECTION. Sec. 33. **COMMUTER RAIL SERVICE.** (1) City-owned transit service, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode.

(2) A county may use funds collected under section 14 or 17 of this act to contract with one or more transit agencies for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation plan; (b) have met the project planning and oversight requirements of sections 31 and 32 of this act; and (c) have been approved by the voters within the service area of each transit agency participating in the project. The phrase "approved by the voters" includes specific funding authorization for the commuter rail project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service.

NEW SECTION. Sec. 34. **FINANCIAL RESPONSIBILITY.** Agencies providing high capacity transportation service shall determine optimal debt-to-equity ratios, establish capital and operations allocations, and establish fare-box recovery return policy.

NEW SECTION. Sec. 35. **FINANCING FOR HIGH CAPACITY TRANSPORTATION PROGRAMS.** (1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in sections 41, 42, and 43 of this act, are authorized only for agencies located in class AA counties, class A counties, counties of the first class which border another state, and counties which, on the effective date of this act, are of the second class and which adjoin class A counties.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as defined in section 25 of this act are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in section 41 of this act;
- (b) Special motor vehicle excise tax as provided in section 42 of this act; and
- (c) Sales and use tax as provided in section 43 of this act.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose any of the taxes enumerated in this section and authorized in sections 41, 42, and 43 of this act, it must comply with the process prescribed in sections 31 and 32 of this act.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

PART IV AMTRAK ACTIVITIES

NEW SECTION, Sec. 36. AMTRAK. The department, in conjunction with local jurisdictions, shall coordinate as appropriate with the designated metropolitan planning organizations to develop a program for improving Amtrak passenger rail service. The program may include:

- (1) Determination of the appropriate level of Amtrak passenger rail service;
- (2) Implementation of higher train speeds for Amtrak passenger rail service, where safety considerations permit;
- (3) Recognition, in the state's long range planning process, of potential higher speed intercity passenger rail service, while monitoring socioeconomic and technological conditions as indicators for higher speed systems; and
- (4) Identification of existing intercity rail rights of way which may be used for public transportation corridors in the future.

NEW SECTION, Sec. 37. AMTRAK DEPOTS. The department shall, when feasible, assist local jurisdictions in upgrading Amtrak depots. Multimodal use of these facilities shall be encouraged.

NEW SECTION, Sec. 38. AMTRAK SERVICE EXTENSION. (1) The department, in conjunction with local jurisdictions, shall coordinate as appropriate with designated metropolitan and provincial transportation organizations to pursue resumption of Amtrak service from Seattle to Vancouver, British Columbia, via Everett, Mount Vernon, and Bellingham.

(2) The department, in conjunction with local jurisdictions, shall study potential Amtrak service on the following routes:

- (a) Daytime Spokane-Wenatchee-Everett-Seattle service;
 - (b) Daytime Spokane-Tri-Cities-Vancouver-Portland service;
 - (c) Tri-Cities-Yakima-Ellensburg-Seattle service, if the Stampede Pass route is reopened;
- and
- (d) More frequent Portland-Vancouver-Kelso-Centralia-Olympia-Tacoma-Seattle service or increments thereof.

NEW SECTION, Sec. 39. AMTRAK COORDINATION. The department, with other state and local agencies shall coordinate as appropriate with designated metropolitan planning organizations to provide public information with respect to common carrier passenger transportation. This information may include maps, routes, and schedules of passenger rail service, local transit agencies, air carriers, private ground transportation providers, and international, state, and local ferry services.

The state shall continue its cooperative relationship with Amtrak and Canadian passenger rail systems.

NEW SECTION, Sec. 40. AMTRAK SERVICE. The department, in conjunction with local jurisdictions, shall recommend to the legislature the appropriate level, source, and justification for funding of improved Amtrak passenger rail service.

PART V HIGH CAPACITY FUNDING AUTHORIZATIONS

NEW SECTION, Sec. 41. EMPLOYER TAX FOR HIGH CAPACITY TRANSPORTATION SERVICE. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month on all employers located within the agency's jurisdiction, measured by the number of full-time equivalent employees. The rate of tax shall be approved by the voters. This tax may not be imposed by an agency when the county within which it is located is imposing an excise tax pursuant to section 14 of this act. The term "employer" within this section does not include (1) educational, cultural, or health organizations which are tax exempt under section 501(c)(3) of the Internal Revenue Code; (2) charitable or religious nonprofit organizations; or (3) governmental entities licensed under chapter 70.41 RCW.

NEW SECTION, Sec. 42. MOTOR VEHICLE EXCISE TAX FOR HIGH CAPACITY TRANSPORTATION SERVICE. Any city that operates a transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area. In any county imposing a motor vehicle excise tax surcharge pursuant to section 17 of this act, the maximum

tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to section 17 of this act. This authority may be exercised only if all local agencies which are parties to an interlocal agreement or members of a regional authority under section 25 of this act are imposing the tax at the same rate. This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

NEW SECTION, Sec. 43. SALES AND USE TAXES FOR HIGH CAPACITY TRANSPORTATION SERVICE. The legislative bodies of cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, as the case may be. The rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

NEW SECTION, Sec. 44. BOND RETIREMENT FOR HIGH CAPACITY TRANSPORTATION SERVICE. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas are authorized to pledge revenues from the employer tax authorized by section 41 of this act, the special motor vehicle excise tax authorized by section 42 of this act, and the sales and use tax authorized by section 43 of this act, to retire bonds issued solely for the purpose of providing high capacity transportation service.

NEW SECTION, Sec. 45. CONTRACT FOR COLLECTION OF TAXES. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by sections 41, 42, and 43 of this act.

PART VI

HIGH CAPACITY TRANSPORTATION ACCOUNT

NEW SECTION, Sec. 46. HIGH CAPACITY TRANSPORTATION ACCOUNT REVIEW. The department of transportation shall review the high capacity transportation account funding sources and allocation formula and propose any appropriate changes to the 1991 legislature.

Sec. 47. Section 1, chapter 428, Laws of 1987 and RCW 47.78.010 are each amended to read as follows:

There is hereby established in the state treasury the ((rail development)) high capacity transportation account. Money in the account shall be used, after appropriation, for local ((rail passenger and)) high capacity transportation purposes including rail freight ((purposes)). All earnings of investments of any balances in the ((rail development)) high capacity transportation account shall be credited to the ((rail development)) account except as provided in RCW 43.84.090 and 43.84.092.

Sec. 48. Section 1, chapter 18, Laws of 1988 and RCW 82.44.150 are each amended to read as follows:

(1) The director of licensing shall on the twenty-fifth day of February, May, August, and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of licensing during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.020(6) and 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(6) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the

following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(6). A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth: a sum equal to two percent thereof shall be allocable to the county sales and use tax equalization account under RCW 82.14.200; and a sum equal to four and two-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax at a rate not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality shall be deposited in the ((rail development)) high capacity transportation account established in RCW 47.78.010.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

PART VII MISCELLANEOUS

Sec. 49. Section 35.92.060, chapter 7, Laws of 1965 as last amended by section 10, chapter 445, Laws of 1985 and RCW 35.92.060 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, operate, or lease cable, electric, and other railways, automobiles, motor cars, motor buses, auto trucks, and any and all other forms or methods of transportation of freight or passengers within the corporate limits of the city or town and a first class city may operate such

forms or methods of transportation beyond the corporate limits of the city but not beyond the boundaries of the county in which the city is located, for the transportation of freight and passengers above, upon, or underneath the ground. It may also fix, alter, regulate, and control the fares and rates to be charged therefor; and fares or rates may be adjusted or eliminated for any distinguishable class of users including, but not limited to, senior citizens, handicapped persons, and students. Without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the state, or any department thereof, the city or town may engage in, carry on, and operate the business of transporting and carrying passengers or freight for hire by any method or combination of methods that the legislative authority of any city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business.

NEW SECTION. Sec. 50. Sections 1 through 10 of this act are each added to chapter 47.76 RCW.

NEW SECTION. Sec. 51. Sections 12 through 21 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 52. Sections 22 through 35 and 41 through 45 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 53. Sections 36 through 40 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 54. Section headings, part headings, and the index as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 55. This act shall be liberally construed to give effect to the intent of this act.

NEW SECTION. Sec. 56. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 57. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Patterson moved that the following amendments by Senators Patterson and Talmadge to the Committee on Transportation amendment be considered simultaneously and be adopted:

On page 9, line 20, after "employees," strike all material through and including "RCW." on line 25 and insert "The county imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate"

On page 27, line 22, after "employers" insert "or any class or classes of employers"

On page 27, line 27, after "act," strike all material through and including "RCW." on line 31, and insert "The agency imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate."

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Patterson, what would happen if a non-profit charitable group that had the taxing exemption were a state-wide organization with maybe a local chapter in a particular county, but with no authority where the state-wide group would handle all the authority that was vested in them. How would you handle that on a local option?"

Senator Patterson: "Well, first of all this particular bill deals only with the three metropolitan counties in the I-5 corridor and if you had hospitals, for example, in several other parts of the state, that proposal would not be on the ballot. It only would be a tax on the people that reside or the agencies that are in the particular taxing districts and in that case it would be King County."

Senator Wojahn: "But what if--"

Senator Patterson: "The tax would not carry over into another jurisdiction outside of the county that was offering for a vote of the people of the tax programs to support the programs that we are talking about here."

Senator Wojahn: "Well, I'm thinking of Catholic Community Services that are located in all counties, but I think the main county is King County, so their subsidiaries would--and they control the pocket book of all three counties--if they are in all three counties. Who would decide where that money--where the taxing authority would come from? Could King County impose upon Catholic Community

Services in Pierce County--the tax--if the money were controlled in King? I think there is a danger in this."

Senator Patterson: "We're talking about a tax that's levied on employees within the jurisdiction that offers it. It would not apply, in the case of Pierce County, if the Pierce County Legislative Authority determined that they would exempt Catholic Charities, then they would be exempt from the tax that was being levied in--"

Senator Wojahn: "Even though the flow of money originates in King County?"

Senator Patterson: "That is right. That would be my understanding."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Patterson and Talmadge on page 9, line 20, and page 27, lines 22 and 27, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 1825.

The amendments to the Committee on Transportation amendment to Engrossed Substitute House Bill No. 1825 were adopted on a rising vote, and with the President voting 'aye.'

MOTION

On motion of Senator Patrick, the following amendment to the Committee on Transportation amendment was adopted:

On page 33, after line 30, add a new section as follows:

"NEW SECTION. Sec. 50. The legislative transportation committee shall study the issues associated with public and private acquisition of abandoned rail corridors and rail corridors and banked for future rail use as provided for under state and federal law respectively. The committee shall report its findings and recommendations to the senate and house transportation committees by December 1, 1990."

Renumber the remaining sections consecutively and correct internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 1825.

The Committee on Transportation amendment, as amended, to Engrossed Substitute House Bill No. 1825 was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 47.78.010, 82.44.150, and 35.92.060; reenacting and amending RCW 47.76.030; adding new sections to chapter 47.76 RCW; adding a new chapter to Title 47 RCW; adding new chapters to Title 81 RCW; creating new sections; and declaring an emergency."

On motion of Senator Nelson, Engrossed Substitute House Bill No. 1825, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1825, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1825, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smitherman, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 36.

Voting nay: Senators Amundson, Barr, Bauer, Cantu, Craswell, Hayner, McCaslin, Saling, Smith, Stratton, Sutherland, West - 12.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6499 and the pending House amendments, deferred earlier today.

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment on page 1, line 9, to Substitute Senate Bill No. 6499.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 6499 is a measure which would authorize a surcharge on civil filing fees for the purpose of funding dispute resolution centers.

"The House amendments on page 1, lines 8, 12, and 25, would authorize an appearance fee on civil defendants.

"The President, therefore, finds that these amendments do change the scope and object of the bill and that the point of order is well taken."

The House amendments on page 1, lines 8, 12 and 25, to Substitute Senate Bill No. 6499 were ruled out of order.

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment on page 1, line 9, did not concur in the House amendments on page 1, lines 8, 12 and 25, to Substitute Senate Bill No. 6499, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SENATE JOINT MEMORIAL NO. 8017 with the following amendment:

On page 1, after line 5, strike the remainder of the memorial and insert the following:

"WHEREAS, On May 11, 1792, Captain Robert Gray guided the ship "Columbia" into the mouth of the long rumored "River of the West"; and

WHEREAS, On May 17, 1792, Captain Gray gave this river the name, "Columbia River"; and

WHEREAS, Captain Robert Gray was the first American to circumnavigate the world; and

WHEREAS, The exploration of the Columbia River by Captain Gray was in part responsible for the United States' successful claims to the Oregon Country; and

WHEREAS, The 200th anniversary of the exploration of the Columbia River will be celebrated in 1992; and

WHEREAS, The Columbia River is a mighty and beautiful asset shared by the states of Washington and Oregon;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the citizens of Washington and Oregon should be informed of the approaching 200th anniversary of the exploration of the Columbia River; and

BE IT FURTHER RESOLVED, That citizens of Washington and Oregon should cooperate in planning a celebration to commemorate the 200th anniversary of the exploration under the aegis of the Washington State Historical Society and Oregon State Historical Society, respectively; and

BE IT FURTHER RESOLVED, That the Washington State Senate and House of Representatives shall offer encouragement to the International Committee for the Celebration of the Maritime Bicentennial appointed by Washington Governor Booth Gardner, Oregon Governor Neil Goldschmidt, and British Columbia Premier and President of the Executive Council William N. VanderZalm; and

BE IT FURTHER RESOLVED, That in recognition of the international significance of the Columbia River bicentennial, we commend and support the efforts of the Washington State Historical Society to create, as a permanent legacy of this observance, a Center for Columbia River History; and

BE IT FURTHER RESOLVED, That the citizens of Washington and Oregon are urged to share in the fun and festivities surrounding the 200th anniversary celebration; and

BE IT FURTHER RESOLVED, That copies of this memorial be immediately transmitted by the Secretary of the Senate to the Oregon State Senate and House of Representatives.",

and the joint memorial and the amendment are hereby transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate refuses to concur in the House amendment to Senate Joint Memorial No. 8017 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6780 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** A new section is added to chapter 43.70 RCW to read as follows:

The legislature finds that the demand for housing for migrant and seasonal farmworkers far exceeds the supply of adequate housing in the state of Washington. In addition, increasing numbers of these housing units are in deteriorated condition because they cannot be economically maintained and repaired.

The legislature further finds that the lack of a clear program for the regulation and inspection of farmworker housing has impeded the construction and renovation of housing units in this state.

It is the purpose of this act for the various agencies involved in the regulation of farmworker housing to coordinate and consolidate their activities to provide for efficient and effective monitoring of farmworker housing. It is intended that this action will provide greater responsiveness in dealing with public concerns over farmworker housing, and allow greater numbers of housing units to be built.

NEW SECTION, Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department of health shall be the primary inspector of labor camps and farmworker housing for the state of Washington: PROVIDED, That the department of labor and industries shall be the inspector for all farmworker housing not covered by the authority of the state board of health.

(2) The department of health, the department of labor and industries, the department of community development, the state board of health, and the employment security department shall develop an interagency agreement defining the rules and responsibilities for the inspection of farmworker housing. This agreement shall recognize the department of health as the primary inspector of labor camps for the state, and shall further be designed to provide a central information center for public information and education regarding farmworker housing. The agencies shall provide the legislature with a report on the results of this agreement by January 1, 1991.

NEW SECTION, Sec. 3. A new section is added to chapter 43.70 RCW to read as follows:

(1) The farmworker housing inspection fund is established in the custody of the state treasury. The department of health shall deposit all funds received under subsection (2) of this section and from the legislature to administer a labor camp inspection program conducted by the department of health. Disbursement from the fund shall be on authorization of the secretary of health or the secretary's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) There is imposed a fee on each operating license issued by the department of health to every operator of a labor camp that is regulated by the state board of health. The fee paid under this subsection shall include all necessary inspection of the units to ensure compliance with applicable state board of health rules on labor camps.

(a) Fifty dollars shall be charged for each labor camp containing six or less units.

(b) Seventy-five dollars shall be charged for each labor camp containing more than six units.

(3) The term of the operating license and the application procedures shall be established, by rule, by the department of health.

Sec. 4. Section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110 are each amended to read as follows:

The state board of health shall develop rules for labor camps, which shall include as a minimum the standards developed under the Washington industrial safety and health act in chapter 49.17 RCW as relates to sanitation and temporary labor camps.

All new housing and new construction together with the land areas appurtenant thereto which shall be started on and after May 3, 1969, and is to be provided by employers, growers, management, or any other persons, for occupancy by workers or by workers and their dependents, in agriculture, shall comply with the rules and regulations of the state board of

health pertaining to labor camps(~~filed with the office of the code reviser on November 20, 1968 and future amendments and revisions thereof~~).

NEW SECTION. Sec. 5. A new section is added to chapter 43.63A RCW to read as follows:

The department shall develop, and make available to the public, model or prototype construction plans and manuals for several types of farmworker housing, including but not limited to seasonal housing for individuals and families, campgrounds, and recreational vehicle parks. Any person or organization intending to construct farmworker housing may adopt one or more of these models as the plan for the proposed housing.

NEW SECTION. Sec. 6. A new section is added to chapter 43.63A RCW to read as follows:

The department shall work with the departments of natural resources, transportation, and general administration to identify and catalog under-utilized, state-owned land and property for possible lease. The department shall provide an inventory of real property that is owned or administered by each agency and is available for lease. The inventories shall be provided to the department by November 1, 1990, with inventory revisions provided each November 1 thereafter. The department shall assist local governments, public housing authorities, public nonprofit organizations, and private nonprofit organizations in obtaining long-term leases of suitable and available sites. The leases shall be for the purpose of providing sites to be used for affordable housing for farmworkers.

NEW SECTION. Sec. 7. A new section is added to chapter 36.34 RCW to read as follows:

If a county owns property that is located anywhere within the county, including within the limits of a city or town, and that is suitable for seasonal or migrant farmworker housing, the legislative authority of the county may, by negotiation, lease the property for seasonal or migrant farmworker housing for a term not to exceed seventy-five years to any public housing authority or nonprofit organization that has demonstrated its ability to construct or operate housing for seasonal or migrant farmworkers. Leases for housing for migrant and seasonal farmworkers, shall not be subject to any requirement of periodic rental adjustments, as provided in RCW 36.34.180, but shall provide for such fixed annual rents as appear reasonable considering the public, social, and health benefits to be derived by providing an adequate supply of safe and sanitary housing for migrant and seasonal farmworkers.

NEW SECTION. Sec. 8. To carry out this act, the sum of one hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the state general fund for the biennium ending June 30, 1991. The appropriation is subject to the following limitations and conditions:

- (1) Not less than sixty-five thousand dollars, to the department of community development, for the purposes of section 5 of this act; and
- (2) Not less than sixty thousand dollars, to the department of health, for the purposes of section 3 of this act."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 70.54.110; adding new sections to chapter 43.70 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 36.34 RCW; and making an appropriation."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 6780 and asks the House to recede therefrom.

EDITOR'S NOTE: See change of motion on Second Substitute Senate Bill No. 6780 later on in the day.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed **SUBSTITUTE SENATE BILL NO. 6255** with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 257, Laws of 1986 as last amended by section 1, chapter 169, Laws of 1989 and RCW 9A.36.031 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle that is owned or operated by the transit company and that is occupied by one or more passengers; or

(c) Assaults a school bus driver employed by a school district or a private company under contract for transportation services with a school district while the driver is operating or is in control of a school bus that is occupied by one or more passengers; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

((d)) (e) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault; or

((e)) (f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

((f)) (g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault.

(2) Assault in the third degree is a class C felony."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Nelson moved that the Senate do not concur in the House amendment to Substitute Senate Bill No. No. 6255 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate do not concur in the House amendment to Substitute Senate Bill No. 6255 and asks the House to recede therefrom.

The motion by Senator Nelson carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6255 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5545 with the following amendments:

On page 1, line 17, after "commission" insert ", other duties assigned by the governor, and the duties assigned to the board under sections 5 through 38 of this act"

On page 2, after line 14, strike all material through "immediately," on line 19 and insert the following:

NEW SECTION. Sec. 5. This chapter shall be known and cited as the vocational-technical institute act.

NEW SECTION. Sec. 6. The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of vocational training or retraining by creating a new, independent system of vocational-technical institutes which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each vocational-technical district shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence; realistic and practical courses in vocational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education;

(3) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs and which will encourage efficiency in operation and creativity and imagination in education, training, and service to meet the needs of the community and students;

(4) Allow for the growth, improvement, flexibility, and modification of the vocational-technical institutes and their education, training, and service programs as future needs occur; and

(5) Establish firmly that vocational-technical institutes are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges or community colleges.

NEW SECTION. Sec. 7. As used in this chapter, unless the context requires otherwise, the term:

(1) "System" means the state system of vocational-technical institutes, which shall be a system of higher education.

(2) "Institute board" means the state board for vocational education.

(3) "Director" means the administrative director for the state system of vocational-technical institutes.

(4) "Board of trustees" means the local vocational-technical institute board of trustees established for each vocational-technical institute within the state.

(5) "State Board" means the state board for vocational education.

(6) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, and home and family life programs, which are not designated as professional or requiring a baccalaureate or higher degree.

(7) "K-12 system" means the public school program including kindergarten through the twelfth grade.

(8) "Common school board" means a public school district board of directors.

(9) "Community college" includes, where applicable, vocational-technical and adult education programs conducted by community colleges.

(10) "Vocational-technical institute" means a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence, pursuant to laws and rules pertaining to the maintenance, operation, and capital funding of vocational-technical institutes.

NEW SECTION, Sec. 8. A director of the system shall be appointed by the institute board and shall serve at the pleasure of the institute board. The director shall be appointed with due regard to his or her fitness and background in education, by his or her knowledge of and recent practical experience in the field of vocational and technical educational administration particularly in institutions beyond the high school level. The institute board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his or her time to the duties of office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of vocational-technical education within this state, in keeping with chapter 42.18 RCW, the executive conflict of interest act.

The director shall receive a salary to be fixed by the institute board and shall be reimbursed for travel expenses incurred in the discharge of official duties in accordance with RCW 43.03.050 and 43.03.060.

The director shall be the executive officer of the institute board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules and orders established thereunder and all other laws of the state. The director shall attend, but not vote at, all meetings of the institute board. The director shall be in charge of offices of the institute board and responsible to the institute board for the preparation of reports and the collection and dissemination of data and other public information relating to the system.

The director shall, with the approval of the institute board: (1) Employ necessary assistant directors of major staff divisions who shall serve at the director's pleasure on such terms and conditions as the director determines, and (2) subject to the provisions of chapter 28B.16 RCW, the higher education personnel law, the director shall, with the approval of the institute board, appoint and employ such field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the institute board and for whose services funds have been appropriated.

The institute board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the institute board.

NEW SECTION, Sec. 9. Suitable offices and office equipment shall be provided by the state for the institute board in the city of Olympia, and the institute board may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this chapter.

NEW SECTION, Sec. 10. The institute board shall have general supervision and control over the system. In addition to the other powers and duties imposed upon the institute board by this chapter, the institute board shall be charged with the following powers, duties, and responsibilities:

(1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the system, and submit this budget to the governor as provided in RCW 43.88.090;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for maintenance, operation, and capital support of the individual vocational-technical institutes in conformance with the state and individual institute budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each vocational-technical institute offers thoroughly comprehensive educational, training, and service programs to meet the needs of students served by providing realistic and practical courses in vocational education, both graded and ungraded;

(b) That each vocational-technical institute maintains an open-door policy, to the end that no student will be denied admission because of the location of his or her residence or because of his or her educational background or ability; that, insofar as is practical in the judgment of the institute board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body. The administrative officers of a vocational-technical institute may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the vocational-technical institute, or would, by his or her presence or conduct, create a disruptive atmosphere within the vocational-technical institute not consistent with the purposes of the institution.

(4) Prepare a comprehensive master plan for the development of vocational and technical training and retraining in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate vocational-technical institute facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new vocational-technical institutes;

(6) Establish minimum standards to govern the operation of the vocational-technical institutes with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel;

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW;

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the vocational-technical institutes;

(d) Standard admission policies; and

(e) Eligibility of courses to receive state fund support;

(7) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various vocational-technical institutes;

(8) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(9) Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter;

(10) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any vocational-technical institute real and personal property, when it determines that such property is surplus or that such a sale or exchange is in the best interests of the vocational-technical institute system;

(11) In order that the treasurer for the institute board may make vendor payments, the state treasurer shall honor warrants drawn by the institute board providing for an initial advance on July 1, 1992, and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the vocational-technical institutes as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer shall reimburse expenditures incurred and reported monthly by the institute board treasurer in accordance with chapter 43.88 RCW. The reimbursement to the institute board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(12) May receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the vocational-technical institute programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof according to the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

The institute board shall have the power of eminent domain.

NEW SECTION. Sec. 11. In addition to other powers and duties, the institute board may issue rules permitting a student to register at more than one vocational-technical institute, provided that such student shall pay tuition and fees as if he or she were registered at a single institute.

NEW SECTION. Sec. 12. There is hereby created a local vocational-technical institute board of trustees for each vocational-technical institute. Each local vocational-technical institute board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, education, the professions, and ethnic groups. The initial trustees shall be selected from the vocational-technical institute's advisory board.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring

prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

No trustee may be an employee of the vocational-technical institute system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution.

Each board of trustees shall organize itself by electing a chairperson from its members. The local board of trustees shall adopt a seal and may adopt such bylaws and rules, as it deems necessary for its own government. Three members of the local board of trustees shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws and rules. The local institute president shall serve as, or may designate another person to serve as, the secretary of the local board of trustees, who shall not be deemed to be a member of the local board of trustees.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500.

NEW SECTION. Sec. 13. Within thirty days of their appointment or July 1, 1992, whichever is sooner, the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a chairperson and a vice-chairperson, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the local vocational-technical institute, or his or her designee, shall serve as secretary of the local board of trustees. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the local board of trustees. The local boards of trustees shall transmit such reports to the institute board as may be requested by the institute board. The fiscal year of the local boards of trustees shall conform to the fiscal year of the state.

NEW SECTION. Sec. 14. Each local vocational-technical institute board of trustees:

- (1) Shall operate the existing vocational-technical institute;
- (2) Shall create comprehensive programs of education and training and maintain an open-door policy in accordance with the provisions of section 10 of this act;
- (3) Shall employ for a period to be fixed by the board of trustees a local institute president for each vocational-technical institute, members of the faculty, and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Salary increases shall not exceed the amount or percentage established in the state appropriations act by the legislature as allocated to the board of trustees by the institute board;
- (4) May establish, under the approval and direction of the institute board, new facilities as community needs and interests demand. The authority of local vocational-technical institute boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the institute board;
- (5) May establish or lease, operate, equip, and maintain food service facilities, bookstores, and other self-supporting facilities connected with the operation of the vocational-technical institute;
- (6) May, with the approval of the institute board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition, and major alteration of buildings or other capital assets, and the acquisition of sites, rights of way, easements, improvements or appurtenances, food service facilities, and other self-supporting facilities connected with the operation of the local vocational-technical institute in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;
- (7) May receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the vocational-technical institute programs as specified by law and the rules of the institute board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof according to the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof;
- (8) May establish and maintain night schools whenever in the discretion of the local board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for vocational-technical institute purposes;
- (9) May make rules for pedestrian and vehicular traffic on property owned, operated, or maintained by the vocational-technical institute;
- (10) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the vocational-technical institute and publish such catalogues and bulletins as may become necessary;
- (11) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree, or certificate;

(12) Shall enforce the rules prescribed by the institute board for the government of vocational-technical institutes, students and teachers, and adopt such rules and perform all other acts not inconsistent with law or rules of the institute board as the local board of trustees may in its discretion deem necessary or appropriate to the administration of vocational-technical institutes. Such rules shall include, but not be limited to, rules relating to scholarships, conduct at the various institute facilities, and discipline. The local board of trustees may suspend or expel from the vocational-technical institute students who refuse to obey any of the adopted rules;

(13) May, by written order filed in its office, delegate to the president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the local board of trustees;

(14) May perform such other activities consistent with this chapter and not in conflict with the directives of the institute board;

(15) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules adopted by the institute board. The whole of such special fee shall go to the local institute and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for vocational-technical institute employees during the term of the agreement;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services. Such contracts shall be subject to review by the institute board and to such rules as the institute board may adopt for that purpose to assure that the sum of the supplemental fee and the normal state funding does not exceed the projected total cost of offering the educational service. Enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course shall be discounted to the percentage provided by the vocational-technical institute;

(17) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes that would affect the efficiency of the association;

(18) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(4), may participate in higher education centers and consortia that involve any four-year public or independent college or university; and

(19) Shall perform any other duties and responsibilities imposed by law or rule of the institute board.

NEW SECTION. Sec. 15. Each local board of vocational-technical institute trustees shall appoint a treasurer who shall be the financial officer of the local board of trustees and who shall hold office during the pleasure of the board of trustees. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, comply with the provisions of section 16 of this act, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require. The respective local vocational-technical institutes shall pay the fees for any such bonds.

NEW SECTION. Sec. 16. In order that each local institute treasurer appointed in accordance with section 15 of this act may make vendor payments, the state treasurer shall honor warrants drawn by each local vocational-technical institute providing for one initial advance on September 1, 1992, and on July 1 of each succeeding biennium from the state general fund in an amount equal to seventeen percent of each institute's average monthly allotment for such budgeted biennium expenditures as certified by the office of financial management, and at the conclusion of each such initial month, and for each succeeding month of any biennium, the state treasurer shall reimburse each institute for each expenditure incurred and reported monthly by each local institute treasurer in accordance with chapter 43.83 RCW. The reimbursement to each institute for actual expenditures incurred in the final month of each biennium shall be less the initial advance.

NEW SECTION. Sec. 17. The local boards of trustees of the various vocational-technical institutes are hereby directed to create no later than January 1, 1991, at each vocational-technical institute a faculty senate or similar organization to be selected by periodic vote of the faculties.

NEW SECTION. Sec. 18. Any resident of the state may enroll in any program or course maintained or conducted by a vocational-technical institute upon the same terms and conditions regardless of the district of his or her residence.

NEW SECTION. Sec. 19. The institute board shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

NEW SECTION. Sec. 20. Title to or all interest in real estate, choses in action and all other assets, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the effective date of this section by or for a school district and obtained identifiably with federal, state, or local funds appropriated for vocational-technical institutes purposes or posthigh school vocational educational purposes, or used or obtained with funds budgeted for posthigh school vocational educational purposes, or used or obtained primarily for vocational-technical institute educational purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the institute board. Cash, funds, accounts, or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before February 2, 1992, for vocational-technical institute purposes shall remain with and continue to be, after February 2, 1992, an asset of the school district. Any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for vocational-technical institute purposes. Unexpended funds of a common school district derived from the sale, prior to July 1, 1992, of bonds authorized for any purpose which includes vocational-technical institute purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

NEW SECTION. Sec. 21. Whenever a common school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control, and occupancy of the institute board, the common school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

NEW SECTION. Sec. 22. All operating fees, services and activities fees, and all other income which the local board of trustees is authorized to impose shall be deposited as the local board of trustees may direct unless otherwise provided by law. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the local board of trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the vocational-technical institute or his or her designee appointed in writing, and such other person as may be designated by the local board of trustees. Each person authorized to sign as provided above, shall execute a surety bond as provided in RCW 43.17.100. Said bond or bonds shall be filed in the office of the secretary of state.

NEW SECTION. Sec. 23. All powers, duties, and functions of the superintendent of public instruction pertaining to vocational-technical institutes are transferred to the vocational-technical institute board. All references to the superintendent of public instruction in the Revised Code of Washington shall be construed to mean the vocational-technical institute board when referring to the functions transferred in this section.

NEW SECTION. Sec. 24. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the vocational-technical institute board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the superintendent of public instruction in carrying out the powers, functions, and duties transferred shall be made available to the vocational-technical institute board. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the vocational-technical institute board.

Any appropriations made to the superintendent of public instruction for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the vocational-technical institute board.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 25. All employees of the superintendent of public instruction engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the vocational-technical institute board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the vocational-technical institute board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 26. All rules and all pending business before the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be continued

and acted upon by the vocational-technical institute board. All existing contracts and obligations shall remain in full force and shall be performed by the vocational-technical institute board.

NEW SECTION. Sec. 27. The transfer of the powers, duties, functions, and personnel of the superintendent of public instruction shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 28. If apportionments of budgeted funds are required because of the transfers directed by sections 24 through 27 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 29. Nothing contained in sections 23 through 28 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 30. All powers, duties, and functions of the school district pertaining to a vocational-technical institute are transferred to the local vocational-technical institute board of trustees. All references to the school district in the Revised Code of Washington shall be construed to mean the local vocational-technical institute board of trustees when referring to the functions transferred in this section.

NEW SECTION. Sec. 31. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the local school district pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the local vocational-technical institute board of trustees. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the local school district in carrying out the powers, functions, and duties transferred shall be made available to the local vocational-technical institute board of trustees. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the local vocational-technical institute board of trustees.

Any appropriations made to the local school district for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the local vocational-technical institute board of trustees.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 32. All employees of the local school district engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the local vocational-technical institute board of trustees. All employees under local collective bargaining agreements are assigned to the local vocational-technical institute board of trustees to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing their service.

NEW SECTION. Sec. 33. All rules and all pending business before the local school district pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the local vocational-technical institute board of trustees. All existing contracts and obligations shall remain in full force and shall be performed by the local vocational-technical institute board of trustees.

NEW SECTION. Sec. 34. The transfer of the powers, duties, functions, and personnel of the local school district shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 35. Nothing contained in sections 30 through 34 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 36. Vocational-technical institutes shall not be considered common schools for the purpose of Article IX, sections 2 and 3 of the Washington state Constitution.

NEW SECTION. Sec. 37. All employees transferred from the superintendent of public instruction or from a school district shall:

- (1) Retain all rights under their existing contract. After termination of the contract, employees shall have the right to determine who will represent them; and collective bargaining shall be controlled by chapter 28B.52 RCW and the tenure provisions of chapter 28B.50 RCW; and
- (2) Retain the right to remain in their present retirement system.

Sec. 38. Section 1, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.016 are each amended to read as follows:

For the purposes of this title:

- (1) "State universities" means the University of Washington and Washington State University.

(2) "Regional universities" means Western Washington University at Bellingham, Central Washington University at Ellensburg, and Eastern Washington University at Cheney.

(3) "State college" means The Evergreen State College in Thurston county.

(4) "Institutions of higher education" or "postsecondary institutions" means the state universities, the regional universities, The Evergreen State College, ((and)) the community colleges, and the vocational-technical institutes.

Sec. 39. Section 1, chapter 279, Laws of 1971 ex. sess. as amended by section 33, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.005 are each amended to read as follows:

(1) "Colleges and universities" for the purposes of this chapter shall mean Central Washington University at Ellensburg, Eastern Washington University at Cheney, Western Washington University at Bellingham, The Evergreen State College in Thurston county, community colleges as are provided for in chapter 28B.50 RCW, the University of Washington, ((and)) Washington State University, and the vocational-technical institutes.

(2) "State universities" for the purposes of this chapter shall mean the University of Washington and Washington State University.

(3) "Regional universities" for the purposes of this chapter shall mean Central Washington University, Eastern Washington University and Western Washington University.

(4) "Community colleges" for the purposes of this chapter includes vocational-technical institutes as defined in section 7 of this act that are subject to the provisions of Title 28D RCW.

Sec. 40. Section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 96, Laws of 1987 and by section 1, chapter 137, Laws of 1987 and RCW 28B.15.012 are each reenacted and amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, ((or)) community college, or vocational-technical institute within the state of Washington.

(2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) a dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous; or (d) any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the

student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

Sec. 41. Section 1, chapter 304, Laws of 1983 as amended by section 27, chapter 370, Laws of 1985 and RCW 28B.80.280 are each amended to read as follows:

The board shall, in cooperation with the state institutions of higher education ~~((and))~~; the state board for community college education, and the vocational-technical institute board establish and maintain a state-wide transfer of credit policy and agreement. The policy and agreement shall, where feasible, include course and program descriptions consistent with state-wide interinstitutional guidelines. The institutions of higher education shall provide support and staff resources as necessary to assist in developing and maintaining this policy and agreement. The state-wide transfer of credit policy and agreement shall be effective beginning with the 1985-86 academic year. The board shall report on developments toward that objective at the 1987 regular session of the legislature.

Sec. 42. Section 3, chapter 370, Laws of 1985 and RCW 28B.80.320 are each amended to read as follows:

The purpose of the board is to provide planning, coordination, monitoring, and policy analysis for higher education in the state of Washington in cooperation and consultation with the institutions' autonomous governing boards and with all other segments of postsecondary education, including but not limited to the state board for community college education ~~((and))~~; the ~~((commission))~~ state board for vocational education, and the vocational-technical institute board. The legislature intends that the board represent the broad public interest above the interests of the individual colleges and universities.

NEW SECTION, Sec. 43. There is hereby created in the Revised Code of Washington a new title to be designated Title 28D RCW.

NEW SECTION, Sec. 44. Sections 5 through 23, 30, 36, and 37 of this act shall constitute a new chapter in Title 28D RCW, created in section 43 of this act.

NEW SECTION, Sec. 45. Sections 5 through 44 of this act shall take effect July 1, 1992.

NEW SECTION, Sec. 46. Sections 1 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the sections consecutively and correct internal references accordingly.

On page 1, line 1 of the title, after "education," strike "creating new sections; providing an expiration date;" and insert "amending RCW 28B.10.016, 28B.15.005, 28B.80.280, and 28B.80.320; reenacting and amending RCW 28B.15.012; adding a new title to the Revised Code of Washington to be codified as Title 28D RCW; creating new sections; prescribing penalties; providing an effective date;"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Nelson moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. No. 5545 and asks the House to recede therefrom.

Debate ensued.

POINT OF ORDER

Senator Wojahn: "A point of order, Mr. President. I request that these amendments be ruled outside of the scope and object, because they broadly expand the title of the bill. Engrossed Substitute Senate Bill No. 5545 formally establishes the State Board of Vocational Education to succeed the Commission on Vocational Education and transfers the duties from the commission to the board. The House amendments greatly expand the scope and object of the bill by creating a brand new governing body for vocational technical institutions, similar to the community college scheme while abolishing the existing system. A new board is created and all the duties and powers relating to vocational technical education are transferred from the Superintendent of Public Instruction to this newly created board. It is going to cost beau coup of money, believe me. Currently, under the House amendments, these are significant changes and they were never contemplated by the original bill and I believe for these reasons, it does expand the scope and object."

There being no objection, the President deferred further consideration of Engrossed Substitute Senate Bill No. 5545.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6306 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Improving the quality of instruction at our state institutions of higher education is a priority of the legislature. Recently, many efforts have been made by the legislature, the colleges, and the higher education coordinating board to assess and improve the quality of instruction received by students at our state institutions. It is the intent of the legislature that, in conjunction with these various efforts, the process for the award of faculty tenure at community colleges should allow for a more lengthy and thorough review of the performance of faculty appointees prior to the granting of tenure.

Sec. 2. Section 34, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.852 are each amended to read as follows:

The appointing authority shall promulgate rules and regulations implementing RCW 28B.50.850 through 28B.50.869 and shall provide for the award of faculty tenure following a probationary period not to exceed (~~three consecutive regular college years~~) nine college quarters, excluding summer quarter; PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee. With the consent of the probationary faculty member and the appointing authority, the probationary period may be extended up to three additional college quarters.

NEW SECTION. Sec. 3. The state board for community college education, in consultation with appropriate faculty organizations, labor representatives, and the governing boards and administrations of local community college districts, shall conduct a thorough review and study of salaries for full and part-time faculty and administrators at community colleges. The state board shall report to the legislature by January 1, 1991, on the results of this study, including specific recommendations on salary levels, payments for increments and advancements, bargaining, and allocation of salary funds.

Sec. 4. Section 37, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.857 are each amended to read as follows:

Upon the decision not to renew a probationary faculty appointment, the appointing authority shall notify the probationer of such decision as soon as possible during the regular college year: PROVIDED, That such notice may not be given subsequent to the last day of the (~~winter~~) eighth quarter.

NEW SECTION. Sec. 5. Nothing contained in this act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

NEW SECTION. Sec. 6. Sections 1 and 2 of this act shall take effect July 1, 1990, and shall apply to all faculty appointments made by community colleges after June 30, 1990, but shall not apply to employees of community colleges who hold faculty appointments prior to July 1, 1990.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "colleges," strike the remainder of the title and insert "amending RCW 28B.50.852 and 28B.50.857; creating new sections; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk,

MOTION

On motion of Senator Saling, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6306 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6306 and the House amendments thereto: Senators Saling, Bauer and Amondson.

MOTION

On motion of Senator Sellar, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6418, with the following amendments:

Strike everything after the enacting clause and insert the following:

*PART I

NEW SECTION. Sec. 1. The legislature finds that a health care access problem exists in rural areas of the state due to a lack of practicing physicians, physician assistants, and advanced registered nurse practitioners. In addition, many of these rural providers are unable to leave the community for short-term periods of time to attend required continuing education training or for personal matters because their absence would leave the community without adequate medical care coverage. The lack of adequate medical coverage in geographically remote rural communities constitutes a threat to the health and safety of the people in those communities.

The legislature declares that it is in the public interest to recruit and maintain a pool of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners willing and able on short notice to practice in rural communities on a short-term basis to meet the medical needs of the community.

NEW SECTION. Sec. 2. The department shall establish the health professional temporary substitute resource pool. The purpose of the pool is to provide short-term physician, physician assistant, pharmacist, and advanced registered nurse practitioner personnel to rural communities where these health care providers:

- (1) Are unavailable due to provider shortages;
- (2) Need time off from practice to attend continuing education and other training programs; and
- (3) Need time off from practice to attend to personal matters or recover from illness.

The health professional temporary substitute resource pool is intended to provide short-term assistance and should complement active health provider recruitment efforts by rural communities where shortages exist.

NEW SECTION. Sec. 3. (1) The department, in cooperation with University of Washington school of medicine, the state's registered nursing programs, and other appropriate public and private agencies and associations, shall develop and keep current a register of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners who are available to practice on a short-term basis in rural communities of the state. The department shall periodically screen individuals on the registry for violations of the uniform disciplinary act as authorized in chapter 18.130 RCW. If a finding of unprofessional conduct has been made by the appropriate disciplinary authority against any individual on the registry, the name of that individual shall be removed from the registry and that person shall be made ineligible for the program. The department shall include a list of back-up physicians and hospitals who can provide support to health care providers in the pool. The register shall be compiled, published, and made available to all rural hospitals, public health departments and districts, and other appropriate public and private agencies and associations. The department shall coordinate with existing entities involved in health professional recruitment when developing the registry for the health professional temporary substitute resource pool.

(2) Eligible health care professionals are those licensed under chapters 18.57, 18.57A, 18.64, 18.71, and 18.71A RCW and advanced registered nurse practitioners licensed under chapter 18.88 RCW.

(3) Participating health care professionals shall receive:

(a) Reimbursement for travel to and from the rural community and for lodging at a rate determined under RCW 43.03.050 and 43.03.060;

(b) Medical malpractice insurance purchased by the department, or the department may reimburse participants for medical malpractice insurance premium costs for medical liability while providing health care services in the program, if the services provided are not covered by the participant's or local provider's existing medical malpractice insurance; and

(c) Information on back-up support from other physicians and hospitals in the area to the extent necessary and available.

(4) The department may require rural communities to participate in health professional recruitment programs as a condition for providing a temporary substitute health care professional if the community does not have adequate permanent health care personnel. To the extent deemed appropriate and subject to funding, the department may also require communities to participate in other programs or projects, such as the rural health system project authorized by this chapter, that are designed to assist communities to reorganize the delivery of rural health care services.

(5) The department may require a community match for assistance provided in subsection (3) of this section if it determines that adequate community resources exist.

(6) The maximum continuous period of time a participating health professional may serve in a community is ninety days. The department may modify or waive this limitation should it determine that the health and safety of the community warrants a waiver or modification. The community shall be responsible for all salary expenses of participating health professionals.

NEW SECTION. Sec. 4. (1) Requests for a temporary substitute health care professional may be made to the department by the local rural hospital, public health department or district, community health clinic, local practicing physician, physician assistant, pharmacist, or advanced registered nurse practitioner, or local city or county government.

(2) The department shall:

(a) Establish a manner and form for receiving requests;

(b) Minimize paperwork and compliance requirements for participant health care professionals and entities requesting assistance; and

(c) Respond promptly to all requests for assistance.

(3) The department may apply for, receive, and accept gifts and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts to operate the pool. The department shall make available upon request to the appropriate legislative committees information concerning the source, amount, and use of such gifts or payments.

PART II

NEW SECTION. Sec. 5. The legislature finds that the lack of primary care physicians in some rural areas of the state and the critical shortage of maternity care services adversely affect access to basic health care services. Rural areas often require more services because the health care needs are greater due to poverty or because these areas are difficult to service due to geographic circumstances. The legislature further finds that encouraging primary care physicians to serve in rural areas of the state and midwives to serve in midwife shortage areas is essential to assure continued access to basic health care services. Studies suggest that physicians recruited from rural areas or physicians who have resident and intern experience in a rural setting tend to make a long-term commitment as rural physicians. The legislature declares that whenever possible rural communities should take an active part in identifying prospective medical students from the local rural community or other rural areas. In this way the community and the prospective physician can form a mutual commitment prior to the individual acquiring a medical education.

The legislature further finds that midwives serve as an important provider of prenatal, interpartum, and postpartum care. Training individuals to become midwives can serve to address the current shortage of providers. The legislature declares that it is in the best interest of the people in this state to promote the availability of midwife services through activities that lead to the recruitment and training of midwives.

NEW SECTION. Sec. 6. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the higher education coordinating board.

(2) "Department" means the department of health.

(3) "Eligible expenses" means legitimate expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the department.

(4) "Eligible student" means a student who has been accepted into: (a) A program leading to eligibility for licensure as a physician under chapter 18.71 RCW, osteopathic physician or surgeon under chapter 18.57 RCW, or pharmacist under chapter 18.64 RCW, and has a declared intention to serve as a primary care physician in a rural area in the state of Washington upon completion of the educational program; or (b) a program leading to eligibility for licensure as a midwife under chapter 18.50 RCW, or certification by a graduate nurse training program as an advanced registered nurse practitioner certified nurse midwife, licensed as a registered nurse under chapter 18.88 RCW and has a declared intention to serve as a midwife in a midwife shortage area in the state of Washington upon completion of the education program.

(5) "Forgiven" or "to forgive" or "forgiveness" means to render physician services in a rural area or midwifery services in a midwife shortage area in the state of Washington in lieu of monetary repayment.

(6) "Medical school" means a medical school or school of osteopathic medicine and surgery accredited by an accrediting association recognized as such in rule by the department.

(7) "Midwife shortage area" means a geographic area of the state of Washington where: (a) Maternity services are in short supply to the extent to jeopardize favorable birth outcomes for babies born in the area, and (b) midwifery services could help alleviate the shortage. The department shall identify midwife shortage areas consistent with the state-wide midwife access plan provided for in section 14 of this act.

(8) "Midwife training program" means a training program that leads to licensure as a midwife in the state of Washington or certification as a nurse-midwife who is qualified to practice as an advanced registered nurse practitioner under chapter 18.88 RCW. The department shall approve training programs by rule under chapter 34.05 RCW.

(9) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

(10) "Participant" means an eligible student who has received a scholarship under this chapter.

(11) "Pharmacy school" means a pharmacy school accredited by an accrediting association recognized as such in rule by the department.

(12) "Program" means the rural physician and midwife scholarship program.

(13) "Prospective medical student" means an individual identified by a sponsoring community who is seeking admission to a school of medicine or osteopathic school of medicine.

(14) "Rural areas" means a rural area in the state of Washington as identified by the department.

(15) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

(16) "Satisfied" means paid-in-full.

(17) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders: (a) Physician service as a primary care physician in a rural area of the state; or (b) midwifery services as a licensed midwife or certified nurse midwife in a midwife shortage area.

(18) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

NEW SECTION. Sec. 7. The rural physician and midwife scholarship program is established for students pursuing medical and midwifery training. The program shall be administered by the board in consultation with the department, the school of medicine at the University of Washington and other appropriate private and public entities. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive scholarships to attend schools of medicine, schools of osteopathic medicine, schools of pharmacy, or training programs in midwifery with the assistance of a screening committee;

(2) Adopt rules and guidelines to implement this chapter;

(3) Publicize the program, particularly emphasizing individuals residing in rural and midwifery shortage rural areas of the state;

(4) Collect and manage repayments from students who do not meet their services obligations under this chapter;

(5) Solicit and accept grants and donations from public and private sources for the program; and

(6) Develop criteria for a contract for service in lieu of the five-year service where appropriate, that may be a combination of service and payment.

NEW SECTION. Sec. 8. (1) The board shall establish a planning committee to develop criteria for the screening and selection of recipients of the scholarships. The planning committee shall be comprised of at least representatives from the following entities: Rural physicians and hospitals, health care clinics, local health districts and departments, agencies involved in physician recruitment, the department, the University of Washington school of medicine, licensed and certified nurse midwives, pharmacists, and other entities involved in rural health and midwifery issues.

(2) For prospective physicians, the selection criteria shall include requirements that recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in rural areas of the state prior to admission to the medical training program. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area.

(3) For prospective midwives, the selection criteria shall include requirements that the recipient declare an interest in serving in midwife shortage areas of the state of Washington.

(4) For prospective pharmacists, the selection shall include requirements that recipients declare an interest in serving in the rural areas of the state of Washington.

NEW SECTION. Sec. 9. A new section is added to Title 28B RCW to read as follows:

The school of medicine at the University of Washington shall develop and implement a policy to grant admission preference to prospective medical students from rural areas of the state who agree to serve for at least five years as primary care physicians in rural areas of Washington after completion of their medical education and have applied for and meet the qualifications of the program under section 7 of this act. Should the school of medicine be unable to fill any or all of the admission openings due to a lack of applicants from rural areas who meet minimum qualifications for study at the medical school, it may admit students not eligible for preferential admission under this section.

NEW SECTION. Sec. 10. The board may award scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other

funds given to the board for this program. Scholarships for physicians may be awarded contingent upon acceptance to a medical school. The amount of the scholarship awarded an individual shall not exceed fifteen thousand dollars per academic year for physicians and four thousand dollars per academic year for midwives and pharmacists. Scholarship awards are intended to meet the eligible financial expenses of eligible students. Students are eligible to receive scholarships for a maximum of five years for physicians and three years for midwives while continually enrolled in an approved medical school or midwifery training program. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area.

NEW SECTION. Sec. 11. The department may provide technical assistance to rural communities desiring to become sponsoring communities. Such assistance should include, but not be limited to: The identification of prospective students, assisting prospective students to apply to medical school and midwifery training programs, making formal agreements with prospective medical students to provide future primary care physician services in the community, forming agreements between rural communities in a service area to share physician and midwifery services, and fulfilling any matching requirements.

NEW SECTION. Sec. 12. In providing health care services the participant shall not discriminate against any person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance including Title XIX of the federal social security act and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of such act for all services for which payment may be made under part B of Title XVIII and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan. Participants found by the board or the department in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.

NEW SECTION. Sec. 13. (1) Participants in the program incur an obligation to repay the scholarship, with interest set by state law, unless they serve for five years in rural areas or midwife shortage areas of the state of Washington.

(2) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The period for repayment shall be three years, with payments accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study or completes or discontinues the required residency.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a rural area or a midwife shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. Should the participant cease to serve in a rural area or midwife shortage area of this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied. Except for circumstances beyond their control, participants who serve less than five years shall be obliged to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of principal and interest required by this section.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant scholarships to eligible students.

(7) Sponsoring communities who financially contribute to the eligible financial expenses of eligible medical students may enter into agreements with the student to require repayment should the student not serve the minimum of five years in the community as a primary care physician. The board may develop criteria for the content of such agreements with respect to reasonable provisions and obligations between communities and eligible students.

(8) The board may make exceptions to the conditions for participation and repayment obligations should circumstances beyond the control of individual participants warrant such exceptions.

NEW SECTION. Sec. 14. The legislature finds that a shortage of physicians, nurses, pharmacists, and physician assistants exists in rural areas of the state. In addition, many education programs to train these health care providers do not include options for practical training experience in rural settings. As a result, many health care providers find their current training does not prepare them for the unique demands of rural practice.

The legislature declares that the availability of rural training opportunities as a part of professional medical, nursing, pharmacist, and physician assistant education would provide needed practical experience, serve to attract providers to rural areas, and help address the current shortage of these providers in rural Washington.

NEW SECTION. Sec. 15. (1) The department in consultation with at least the higher education coordinating board, the state board for community college education, the superintendent of public instruction, and state-supported education programs in medicine and nursing, shall develop a plan for increasing rural training opportunities for students in medicine and nursing. The plan shall provide for direct exposure to rural health professional practice conditions for students planning careers in medicine and nursing.

(2) The department and the medical and nurse education programs shall:

(a) Inventory existing rural-based clinical experience programs, including internships, clerkships, residencies, and other training opportunities available to students pursuing degrees in nursing and medicine;

(b) Identify where training opportunities do not currently exist and are needed;

(c) Develop recommendations for improving the availability of rural training opportunities;

(d) Develop recommendations on establishing agreements between education programs to assure that all students in medical, pharmacist, and nurse education programs in the state have access to rural training opportunities; and

(e) Review private and public funding sources to finance rural-based training opportunities.

(3) The department shall report to the house of representatives and senate standing committees on health care by December 1, 1990, with their findings and recommendations including needed legislative changes.

NEW SECTION. Sec. 16. The department, in consultation with training programs that lead to licensure in midwifery and certification as a certified nurse midwife, and other appropriate private and public groups, shall develop a state-wide plan to address access to midwifery services.

The plan shall include at least the following: (1) Identification of maternity service shortage areas in the state where midwives could reduce the shortage of services; (2) an inventory of current training programs and preceptorship activities available to train licensed and certified nurse midwives; (3) identification of gaps in the availability of training due to such factors as geographic or economic conditions that prevent individuals from seeking training; (4) identification of other barriers to utilizing midwives; (5) identification of strategies to train future midwives such as developing training programs at community colleges and universities, using innovative telecommunications for training in rural areas, and establishing preceptorship programs accessible to prospective midwives in shortage areas; (6) development of recruitment strategies; and (7) estimates of expected costs associated in recruitment and training.

The plan shall identify the most expeditious and cost-efficient manner to recruit and train midwives to meet the current shortages. Plan development and implementation shall be coordinated with other state policy efforts directed toward, but not limited to, maternity care access, rural health care system organization, and provider recruitment for shortage and medically underserved areas of the state.

The department shall submit a copy of the plan to the senate and house of representatives health care committees by December 1, 1990.

NEW SECTION. Sec. 17. By September 1, 1995, the department shall review the continuing need for the program and recommend the need for its continuation. It shall report its findings to the senate and house of representatives committees on health care by December 1, 1995.

NEW SECTION. Sec. 18. A new section is added to chapter 70.175 RCW to read as follows:

The department may develop and implement a rural health care plan and may approve hospital and rural health care facility requests to be designated as essential access community hospitals or rural primary care hospitals so that such facilities may form rural health networks to preserve health care services in rural areas and thereby be eligible for federal program funding and enhanced medicare reimbursement.

NEW SECTION. Sec. 19. After consulting with the higher education coordinating board, the governor may transfer the administration of the rural physician, pharmacist, and midwife scholarship program to another agency with an appropriate educational mission.

PART III

NEW SECTION. Sec. 20. The legislature finds that the residents of rural communities are having difficulties in locating and purchasing affordable health insurance. The legislature further finds that many rural communities have sufficient funds to pay for needed services, but those funds are being expended elsewhere causing insufficient funding of local health services. As part of the solution to this problem, rural communities need to be able to structure the

financing of local health services to better serve local residents. The legislature further finds that as rural communities need well financed and organized health care, it is in the interest of residents of rural communities that existing unauthorized entities comply with appropriate fiscal solvency standards and consumer safeguards, and that those entities be given an opportunity to come into compliance with existing state laws.

NEW SECTION. Sec. 21. The insurance commissioner shall establish a committee to recommend to the governor and legislature methods to improve the availability of affordable health insurance or coverage in rural communities. The recommendations shall consider (1) the unique and varied nature of rural communities, (2) methods to maximize the retention of local health expenditures in rural communities, (3) the need of rural communities to have sufficient control over the health services in their communities so that they may improve the quality and have the appropriate quantity of those health services, (4) financial stability and consumer protection issues, and (5) the feasibility of such recommendations. The committee shall examine methods of improving the way currently authorized carriers address rural health issues and shall examine the use of alternative arrangements specifically adapted to rural communities including, but not limited to, the use of local service contractors in combination with other entities authorized under Title 48 RCW.

The committee shall include the insurance commissioner or the commissioner's designee and representatives of rural communities, rural health providers, entities authorized under title 48 RCW, the department of health, and other individuals, as appointed by the insurance commissioner.

These recommendations shall be submitted to the governor and legislature no later than November 1, 1990.

The committee established under this section shall dissolve on January 1, 1991.

NEW SECTION. Sec. 22. Unless the context clearly requires otherwise, the definitions in this section apply to section 23 of this act.

(1) "Rural community" means any grouping of consumers, seventy-five percent of whom reside in areas outside of a standard metropolitan statistical area as defined by the United States bureau of census.

(2) "Consumer" means any person enrolled and eligible to receive benefits in the rural health care arrangement.

(3) "Rural health care service arrangement" or "arrangement" means any arrangement which is established or maintained for the purpose of offering or providing through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits in the event of sickness, accident, or disability in a rural community, as defined in this section, that is subject to the jurisdiction of the insurance commissioner but is not now a currently authorized carrier.

NEW SECTION. Sec. 23. Rural health care service arrangements existing on the effective date of this act may continue in full operation only so long as they comply with all of the following:

(1) Within ten days following the effective date of this act, all rural health care service arrangements shall inform the insurance commissioner of their intent to apply for approval to operate as an entity authorized under chapter 48.44 RCW or intend to merge with an entity authorized under Title 48 RCW or merge with an entity defined in this section;

(2) The arrangement submits an application for approval as an entity authorized under chapter 48.44 RCW by May 1, 1990;

(3) The arrangement has one hundred thousand dollars on deposit with the insurance commissioner by July 1, 1990;

(4) The arrangement has one hundred fifty thousand dollars on deposit with the insurance commissioner by September 1, 1990; and

(5) The arrangement complies with all reasonable requirements of the insurance commissioner excluding the deposit requirement, except as outlined in this section.

If such rural health care service arrangements fail to comply with any of the above requirements, or if during the application process an entity engages in any activities which the insurance commissioner reasonably determines may cause imminent harm to consumers, the entity may be subject to appropriate legal action by the insurance commissioner pursuant to the authority provided in Title 48 RCW.

A rural health care service arrangement which comes into compliance with Title 48 RCW through the method outlined in this act shall be subject to all applicable requirements of Title 48 RCW except that the deposit requirements shall not be increased until May 1, 1991.

NEW SECTION. Sec. 24. The insurance commissioner, pursuant to chapter 34.05 RCW, may promulgate rules to implement sections 22 and 23 of this act.

NEW SECTION. Sec. 25. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the insurance commissioner's regulatory account to the insurance commissioner for the purposes of section 21 of this act.

NEW SECTION. Sec. 26. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 27. Sections 20 through 23 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 28. Any additional expenditures incurred by the University of Washington from provisions of this act shall be funded from existing financial resources.

NEW SECTION. Sec. 29. Sections 1 through 8, 10 through 17, 19 and 28 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 30. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "care," strike the remainder of the title and insert "adding a new section to Title 28B RCW; adding a new section to chapter 70.175 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 48 RCW; creating new sections; making an appropriation; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator West, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 6418 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 6418 and the House amendments thereto: Senators West, Kreidler and Barr.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed SENATE BILL NO. 6583 with the following amendments:

On page 1, after the enacting clause, insert the following:

"Sec. 1. Section 28, chapter 238, Laws of 1967 as last amended by section 37, chapter 109, Laws of 1987 and RCW 70.94.151 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration and reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. The department or board may require that such registration be accompanied by a fee and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That registration fee schedules adopted by the board of any activated authority as of January 1, 1990, may not be increased by more than five percent per year beginning January 1, 1990, through January 1, 1995: PROVIDED FURTHER,

That any such registration made with either the board or the department shall preclude a further registration with any other board or the department."

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "amending" strike "RCW 70.94.431" and insert "RCW 70.94.151 and 70.94.431".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate refuses to concur in the House amendments to Senate Bill No. 6583 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6583 and the House amendments thereto: Senators Lee, Sutherland and Johnson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6626 with the following amendments:

On page 1, line 6, after "study the" strike all material through "1993." on line 16 and insert "upper division baccalaureate educational needs of placebound students, and the graduate educational needs of teachers, living in areas of the state not currently served by either existing four-year institutions or branch campuses. The study shall include recommendations on how the needs should be addressed, and which institutions should be responsible for serving specific areas.

NEW SECTION, Sec. 2. The legislature finds that many individuals in the state of Washington have attended college and received an associate of arts degree, or its equivalent, but are placebound.

The legislature intends to establish an educational opportunity grant program for placebound students who have completed an associate of arts degree, or its equivalent, in an effort to increase their participation in and completion of upper-division programs.

NEW SECTION, Sec. 3. The educational opportunity grant program is hereby created as a demonstration project to serve placebound financially needy students by assisting them to obtain a baccalaureate degree at public and private institutions of higher education which have the capacity to accommodate such students within existing educational programs and facilities.

NEW SECTION, Sec. 4. (1) For the purposes of this chapter, "placebound" means unable to relocate to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) To be eligible for an educational opportunity grant, applicants must be placebound residents of the state of Washington who are needy students as defined in RCW 28B.10.802(3) and who have completed the associate of arts degree or its equivalent. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to attend an institution that has existing unused capacity rather than attend a branch campus established pursuant to chapter 28B.45 RCW. An eligible placebound applicant is further defined as a person whose residence is located in an area served by a branch campus who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be unable to complete an upper-division course of study but for receipt of an educational opportunity grant.

NEW SECTION, Sec. 5. The higher education coordinating board shall develop and administer the educational opportunity grant program. The board shall adopt necessary rules and guidelines and develop criteria and procedures to select eligible participants in the program. Payment shall be made directly to the eligible participant periodically upon verification of enrollment and satisfactory progress towards degree completion.

NEW SECTION, Sec. 6. Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established

under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study.

NEW SECTION, Sec. 7. Sections 2 through 6 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION, Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B.80.530; and

(2) Section 13, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B.80.540."

On page 1, line 2 of the title, after "28B.80 RCW;" strike "and making an appropriation" and insert "adding a new chapter to Title 28B RCW; and repealing RCW 28B.80.530 and 28B.80.540"

On page 1, after line 10, strike all material through "1993;" on line 16 and insert the following:

"Sec. 2. Section 4, chapter 273, Laws of 1971 ex. sess. as last amended by section 3, chapter 290, Laws of 1989, and by section 3, chapter 306, Laws of 1989 and RCW 28B.15.014 are each reenacted and amended to read as follows:

The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel stationed in the state of Washington and the spouses and dependents of such military personnel.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(5) Domestic exchange students participating in the program created under RCW 28B.15.725.

(6) Any dependent of a member of the United States congress representing the state of Washington.

(7) Any Amerasian immigrant who is financially needy and is being assisted by the bureau of refugee assistance in the department of social and health services."

On page 1, line 1 of the title, after "education;" insert "reenacting and amending RCW 28B.15.014; and"

On page 1, line 2 of the title, after "RCW" strike "; and making an appropriation",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Saling moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 6626 and requests of the House a conference thereon.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe the House amendments to Substitute Senate Bill No. 6626 expand the scope and object of the bill. This was originally a little bill relating to place-bound students, particularly on the Olympic Peninsula. As the bill came to us from the House of Representatives, there was a series of amendments--amendments that expanded the place-bound aspects of the bill far beyond just those counties which were affected and also a section of the bill relating to Amerasian immigrants who would receive some financial assistance. I believe the very expansive amendments from the House of Representatives expanded the scope and object of the bill which originally related to place-bound students on the Olympic Peninsula."

POINT OF INQUIRY

Senator Saling: "Senator Talmadge, were you asking for a scope decision on all of the bill?"

Senator Talmadge: "I believe, Senator Saling, that I have to, because it is a striking amendment, as I recall."

Senator Saling: "Thank you."

Senator Talmadge: "I would not have done that, but for the fact that it was one striking amendment."

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 6626.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6771 with the following amendments:

Strike everything after the enacting clause, and insert the following:

NEW SECTION, Sec. 1. The legislature finds that as studies are continued into the possible health effects from electric and magnetic fields, utilities are placed in a difficult position when considering the placement of additional electric transmission and distribution lines. The legislature further finds that as certain parts of the state experience high rates of growth, continued demand for power will likely result in an increasing need for electric transmission and distribution facilities, and that additional options may be needed for locating these lines.

NEW SECTION, Sec. 2. The electric transmission research needs task force is hereby created, consisting of the director, or a designee of the state energy office, the director, or a designee of the department of health and the chair, or a designee of the utilities and transportation commission. The department of health shall serve as the lead agency of the task force.

NEW SECTION, Sec. 3. The electric transmission research needs task force shall recommend, by January 1, 1992, research needs for limiting human exposure to electric and magnetic fields from electric transmission and distribution lines. The recommendations shall take into account the costs associated with needed research. The task force shall solicit recommendations from utility representatives and other experts, including the state's higher education system, on engineering techniques and ways to limit human exposure to electric and magnetic fields. The recommendations shall include options for legislative action and options for funding such research. The task force shall report to the energy and utilities committees of the house of representatives and the senate by January 15, 1992.

NEW SECTION, Sec. 4. The sum of forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of health for the purposes of this act."

On line 1 of the title, after "fields;" strike the remainder of the title and insert "creating new sections; and making an appropriation."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6771 and asks the House to recede therefrom.

MOTION

At 3:01 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 3:18 p.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1491,

HOUSE BILL NO. 2262,

HOUSE BILL NO. 2294,

HOUSE BILL NO. 2330,

HOUSE BILL NO. 2335,

HOUSE BILL NO. 2842,

HOUSE BILL NO. 2850,

HOUSE BILL NO. 2859,

SUBSTITUTE HOUSE BILL NO. 2956.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1055,

SUBSTITUTE HOUSE BILL NO. 1264,
 SUBSTITUTE HOUSE BILL NO. 1394,
 HOUSE BILL NO. 1523,
 HOUSE BILL NO. 1571,
 HOUSE BILL NO. 1703,
 HOUSE BILL NO. 1881,
 HOUSE BILL NO. 2032,
 HOUSE BILL NO. 2260,
 HOUSE BILL NO. 2265,
 HOUSE BILL NO. 2276,
 HOUSE BILL NO. 2292,
 SUBSTITUTE HOUSE BILL NO. 2293,
 SUBSTITUTE HOUSE BILL NO. 2337,
 HOUSE BILL NO. 2410,
 SUBSTITUTE HOUSE BILL NO. 2933,
 HOUSE JOINT RESOLUTION NO. 4203,
 HOUSE CONCURRENT RESOLUTION NO. 4432.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 6190.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6626 and the pending House amendments, deferred earlier today.

MOTION

On motion of Senator Talmadge, and there being no objection, the point of order raised on the House amendments to Substitute Senate Bill No. 6190 was withdrawn.

The President declared the question before the Senate to be the motion by Senator Saling that the Senate do not concur in the House amendment to Substitute Senate Bill No. 6626 and requests of the House a conference thereon.

The motion by Senator Saling carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6626 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6626 and the House amendments thereto: Senators Saling, Bauer and von Reichbauer.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the foster care system plays an important role in preserving families and giving consistent and nurturing care to children placed in its care. The legislature further finds that foster parents play an integral and important role in the system and particularly in the child's chances for the earliest possible reunification with his or her family.

NEW SECTION, Sec. 2. (1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists potential foster parents in making their final decisions about foster parenting and assists social service agencies in obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Preservice training shall be completed prior to the issuance of a foster care license, except that the department may, on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

NEW SECTION. Sec. 3. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 2 of this act shall be null and void.

NEW SECTION. Sec. 4. Regular on-site monitoring of foster homes to assure quality care improves care provided to children in family foster care. An on-site monitoring program shall be established by the department to assure quality care and regularly identify problem areas. The department shall report to the legislature by June 1 of each year, beginning with June 1, 1991, the results of the monitoring, including identified problem areas, and make policy recommendations to improve the quality of foster care based on the results of the monitoring. Monitoring shall be done by the department on a random sample basis of no less than ten percent of the total licensed family foster homes licensed by the department on July 1 of each year.

NEW SECTION. Sec. 5. If specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 4 of this act shall be null and void.

NEW SECTION. Sec. 6. The legislature finds that regular and ongoing program review of child protective services, child welfare services, and foster care is essential to agencies and the legislature in making informed recommendations and decisions regarding policy in the delivery of services to children and their families. The department of social and health services shall contract, through the request for proposal process, with an independent qualified organization for a comprehensive evaluation of these programs. The evaluation shall be based on findings secured through a generally accepted audit procedure based on a statistically significant state-wide sampling of data. The department shall cooperate with the contractor to meet the requirements of this section.

NEW SECTION. Sec. 7. If specific funding for the purposes of section 6 of this act, referencing section 6 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 6 of this act shall be null and void.

NEW SECTION. Sec. 8. The legislature recognizes the need for temporary short-term relief for foster parents who care for children with emotional, mental, or physical handicaps. For purposes of this section, respite care means appropriate, temporary, short-term care for these foster children placed with licensed foster parents. The purpose of this care is to give the foster parents temporary relief from the stresses associated with the care of these foster children. The department shall design a program of respite care that will minimize disruptions to the child and will serve foster parents within these priorities, based on input from foster parents, foster parent associations, and reliable research if available.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 8 of this act, referencing section 8 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 8 of this act shall be null and void.

NEW SECTION. Sec. 10. (1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency may share information about the child and the child's family with the care provider and may consult with the care provider regarding the child's case plan.

(2) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

(3) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

NEW SECTION. Sec. 11. To provide stability to children in out-of-home care, placement selection shall be made with a view toward the fewest possible placements for each child. If possible, the initial placement shall be viewed as the only placement for the child. The use of

short-term interim placements of thirty days or less to protect the child's health or safety while the placement of choice is being arranged is not a violation of this principle.

NEW SECTION, Sec. 12. (1) Whenever a child has been placed in a foster family home by the department or a child-placing agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or child-placing agency shall notify the foster family at least five days prior to moving the child to another placement, unless:

- (a) A court order has been entered requiring an immediate change in placement;
- (b) The child is being returned home;
- (c) The child's safety is in jeopardy; or
- (d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or child-placing agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

NEW SECTION, Sec. 13. Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent SCOPE training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

NEW SECTION, Sec. 14. If specific funding for the purposes of section 13 of this act, referencing section 13 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 13 of this act shall be null and void.

NEW SECTION, Sec. 15. The legislature finds that during the fiscal years 1987 to 1989 the number of children in foster care has risen by 14.3 percent. At the same time there has been a 31 percent turnover rate in foster homes because many foster parents have declined to continue to care for foster children. This situation has caused a dangerously critical shortage of foster homes.

The department of social and health services shall develop and implement a project to recruit more foster homes and adoptive homes for special needs children by developing a request for proposal to licensed private foster care, licensed adoption agencies, and other organizations qualified to provide this service.

The project shall consist of one state-wide administrator of recruitment programs, and one or more licensed foster care or adoption agency contracts in each of the six departmental regions. These contracts shall enhance currently provided services and may not replace services currently funded by the agencies. No more than sixty thousand dollars may be spent annually to fund the administrator position.

The agencies shall recruit foster care homes and adoptive homes for children classified as special needs children under chapter 74.08 RCW. The agencies shall utilize their own network of contacts and shall also develop programs similar to those used effectively in other states. The department shall expand the foster-adopt program state-wide to encourage stable placements for foster children for whom permanent out-of-home placement is a likelihood. The department shall carefully consider existing programs to eliminate duplication of services.

The department shall assist the private contractors by providing printing services for informational brochures and other necessary recruitment materials. No more than fifty thousand dollars of the funds provided for this section may be expended annually for recruitment materials.

NEW SECTION, Sec. 16. (1) The department shall establish a state-wide program to manage health services for children in foster care. Services include medical and developmental services already provided subject to current statutes and available resources, and shall provide children in foster care with:

- (a) Health screening, supervision, and continuity of care;
- (b) Developmental screening;
- (c) Illness and emergency care; and
- (d) Child centered management plans designed to address specific therapeutic rehabilitative and preventative needs. Case management shall be used to ensure comprehensiveness and continuity of care.

(2) Strategies for reimbursements shall be developed which utilize prospective payment or capitation formulas.

NEW SECTION. Sec. 17. The department of social and health services shall develop and implement a survey tool to provide information to the legislature regarding the specific reasons foster parents voluntarily or involuntarily terminate their service to the foster parent system. The tool shall be implemented by July 1, 1990. The survey shall cover a period of one year and a final report shall be made to the legislature by December 1991.

NEW SECTION. Sec. 18. If specific funding for the purposes of sections 15, 16, and 17 of this act, referencing sections 15, 16, and 17 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, sections 15, 16, and 17 of this act shall be null and void.

NEW SECTION. Sec. 19. The average basic rate of reimbursement to foster parents for children placed in their care often does not cover the total cost of care. Studies have identified that increasing rates is directly related to increasing the number of available foster homes and positively influences the decision of foster parents to provide care.

NEW SECTION. Sec. 20. If specific funding for the purposes of section 19 of this act, referencing section 19 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 19 of this act shall be null and void.

NEW SECTION. Sec. 21. Private child placement agencies offer a valuable service to the state. Caseloads are limited to no more than twenty-five per caseworker allowing the agencies to provide quality services. Child placement agencies are funded by a variety of public and private sources. Over the last several years, administration costs have risen in both public and private agencies.

NEW SECTION. Sec. 22. If specific funding for the purposes of section 21 of this act, referencing section 21 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 21 of this act shall be null and void.

NEW SECTION. Sec. 23. Foster parents are responsible for the protection, care, supervision, and nurturing of the child in placement. As an integral part of the foster care team, foster parents shall, if appropriate and they desire to: Participate in the development of the service plan for the child and the child's family; assist in family visitation, including monitoring; and model effective parenting behavior for the natural family.

NEW SECTION. Sec. 24. A new section is added to chapter 13.32A RCW to read as follows:

In an attempt to minimize the inherent intrusion in the lives of families involved in the foster care system and to maintain parental authority where appropriate, the department, absent good cause, shall follow the wishes of the natural parent regarding the placement of the child. Preferences such as family constellation, ethnicity, and religion shall be given consideration when matching children to foster homes. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and should be integrated through the foster care team.

NEW SECTION. Sec. 25. A new section is added to chapter 13.34 RCW to read as follows:

In an attempt to minimize the inherent intrusion in the lives of families involved in the foster care system and to maintain parental authority where appropriate, the department, absent good cause, shall follow the wishes of the natural parent regarding the placement of the child. Preferences such as family constellation, ethnicity, and religion shall be given consideration when matching children to foster homes. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and should be integrated through the foster care team.

NEW SECTION. Sec. 26. Sections 1, 2, 4, 6, 8, 10 through 13, 15, and 16 of this act are each added to chapter 74.13 RCW.

NEW SECTION. Sec. 27. This act shall take effect July 1, 1990, however the secretary may immediately take any steps necessary to ensure implementation of section 17 of this act on July 1, 1990.

NEW SECTION. Sec. 28. The legislature recognizes the unique liability risks that foster parents face in taking children into their care and that foster parents often cannot obtain liability protection through private insurance carriers. The legislature finds that some potential foster parents are unwilling to subject themselves to such liability without insurance protection. The legislature further finds that to encourage those people to serve as foster parents, it is necessary to increase the liability protection available to foster parents.

Sec. 29. Section 7, chapter 159, Laws of 1963 as last amended by section 4, chapter 419, Laws of 1989 and RCW 4.92.130 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, ~~((and))~~ volunteers, and foster parents licensed under chapter 74.15 RCW.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages exclusive of legal defense costs and agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.

(5) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(6) Annual premium levels shall be determined by the risk manager, with the consultation and advice of the risk management advisory committee and concurrence from the office of financial management. An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(7) Disbursements from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(8) The director of the office of financial management may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(9) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the office of risk management. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the office of risk management in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount will be prorated back to the appropriate funds.

NEW SECTION. Sec. 30. If specific funding for the purpose of sections 28 and 29 of this act, referencing sections 28 and 29 of this act by bill and section numbers, is not provided by June 30, 1990, in the omnibus appropriations act, sections 28 and 29 of this act shall be null and void."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 4.92.130; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.32A RCW; adding a new section to chapter 13.34 RCW; creating new sections; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Smith, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6537 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6537 and the House amendments thereto: Senators Smith, Niemi and Bailey.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newhouse moved that the Senate reconsider the vote taken earlier today by which the Senate did not concur in the House amendments to Second Substitute Senate Bill No. 6780 and asked that the House recede therefrom.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate reconsider the vote by which the Senate did not concur in the House amendments to Second Substitute Senate Bill No. 6780 and asked the House to recede therefrom.

The motion for reconsideration carried.

MOTION

On motion of Senator Barr, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 6780 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 6780 and the House amendments thereto: Senators Barr, Madsen and Newhouse.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5545 and the pending House amendments, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Engrossed Substitute Senate Bill No. 5545 is a measure which establishes the State Board for Vocational Education as the successor agency to the Commission for Vocational Education.

"The House amendments would create the Vocational-Technical Institute Act which would establish a new state system of vocational-technical institutes, transfer all VTI duties and powers from the Superintendent of Public Instruction and exclude VTIs from the common school system and from eligibility for construction money from the Common School Construction Fund.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The House amendments to Engrossed Substitute Senate Bill No. 5545 were ruled out of order.

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 5545 and asks the House to recede therefrom.

The motion by Senator Nelson carried and the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5545 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6407. The Speaker has appointed the following members as conferees: Representatives Locke, Ebersole and Silver.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cantwell, Nutley and Betrozoff.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2929.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2929 and the Senate amendments thereto: Senators McCaslin, Vognild and Amondson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2426 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Vekich, Prentice and Smith.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Substitute House Bill No. 2426.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 2426 and the Senate amendments thereto: Senators Lee, McMullen and Matson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6904 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that there exists in the state of Washington a critical need to examine, plan, and finance criminal justice activities. It is the policy of the state of Washington to encourage self-reliance by cities, towns, and counties in meeting their local government responsibilities. However, local criminal justice needs have accelerated to such an extent that many local governments cannot continue to meet the challenges of crime. It is the policy of the state of Washington to assist cities, towns, and counties in meeting these financial needs while promoting and encouraging local solutions, improved management, coordination, and planning of criminal justice activities.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the local justice assistance board created under this chapter.
- (2) "Local governments" means cities, towns, and counties.
- (3) "Criminal justice activities" means all activities including operational and capital expenditures of superior, district, and municipal courts, jails or corrections, law enforcement, indigent defense, prosecution, probation, and community service.
- (4) "Grants-in-aid" means moneys applied for by cities, towns, and counties and approved by the local justice assistance board based on criteria specified in this chapter.
- (5) "Formula financing" means moneys distributed by formula, to counties based on criteria and approved by the local justice assistance board.

NEW SECTION, Sec. 3. (1) The local justice assistance board is created, composed of seven members as follows:

- (a) The director of the department of community development or the director's designee;
- (b) The director of financial management or the director's designee;
- (c) The chief of the state patrol or the chief's designee;
- (d) Four representatives of cities and towns, appointed by the governor from a list of at least eight persons nominated by the association of Washington cities;

(e) Four representatives of counties, appointed by the governor from a list of at least eight persons nominated by the Washington state association of counties;

(f) One representative of sheriffs and police chiefs, appointed by the governor from a list of at least two persons nominated by the Washington association of sheriffs and police chiefs;

(g) One representative of prosecutors, appointed by the governor from a list of at least two persons nominated by the Washington association of prosecutors;

(h) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives; and

(i) Two members of the senate, one from each of the two largest caucuses, appointed by the president of the senate.

(2) If a legislator would be ineligible for appointment to the board as a voting member under the state Constitution, that legislator shall be a nonvoting member of the board during the period of such ineligibility.

(3) Legislative members of the board and persons who are board members by virtue of holding a state office shall serve until their successors are appointed and qualified. Members of the board appointed by the governor shall serve six-year terms. Vacancies on the board shall be filled by appointment by the original appointing authority under this section. The board shall elect a chairperson from among its members.

(4) Board members shall receive no compensation, but shall be reimbursed as provided in RCW 43.03.050, 43.03.060, and 44.04.120.

NEW SECTION, Sec. 4. The director of the department of community development shall provide administrative and staff support for the board.

NEW SECTION, Sec. 5. The board may:

(1) Accept from any state or federal agency, grants or other moneys for the planning or financing of criminal justice activities and enter into agreements with any such agency concerning grants of other moneys;

(2) Provide technical assistance to local governments, including (a) training and other services to assist them in planning, applying, and qualifying for funding for criminal justice activities; and (b) assistance to improve local management, coordination, and delivery of criminal justice services;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions that are not in conflict with this chapter;

(4) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter;

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION, Sec. 6. (1) The board shall adopt a formula financing methodology for funding county criminal justice activities. The formula is to be developed in a manner that provides resources to those counties most affected by extraordinary crime trends, and that encourages management efficiencies. In developing the formula, the board shall consider appropriate criteria that may include, but are not limited to:

(a) Reported crime;

(b) Bookings, filings, trials, convictions, and commitments;

(c) Releases, parole, and probation;

(d) Costs of financing indigent defense;

(e) Population factors; and

(f) Measures of fiscal capacity, including per capita assessed valuation, per capita excise tax data, other tax base indicators, rates of taxation, and other relevant revenue information.

(2) The specific data elements and methodology for formula financing of criminal justice activities and the resulting distribution shall be presented to the fiscal committees of the legislature by September 1, 1990, and each September 1st thereafter. The board may revise the formula after consulting with the fiscal committees. The board shall distribute moneys under the formula as soon as practical, but not earlier than thirty days after submitting the formula to the fiscal committees.

NEW SECTION, Sec. 7. (1) The board shall develop a methodology to distribute grants-in-aid for local government criminal justice activities. The purpose of the grants-in-aid program is to provide ongoing assistance to reduce specific categories of crime that are causing significant effects on the local criminal justice system. The objective of all grant-in-aid awards shall be to achieve a reduction of a specific crime rate unless an applicant documents that a specific crime reduction target is not appropriate for the proposed strategy and proposes a substitute objective acceptable to the board.

(2) The board shall develop criteria for awarding grants with specific weightings given for projects that:

(a) Encourage management efficiencies, interlocal agreements, mutual assistance, or other agreements and policy coordination; and

(b) Provide resources to geographic areas with high incidence of crime or unusual problems with extraordinary crime.

(3) The board shall establish a policy as to the number of succeeding awards that may be made to a qualifying local government in order that specific crime reduction goals may be met in keeping with a strategy proposed by an applicant. The board shall establish policies that require local matching rates that may increase in succeeding award periods. The board may provide for exemptions from matching requirements for those jurisdictions that it determines are economically distressed for the purposes of chapter 82.60 RCW.

NEW SECTION, Sec. 8. (1) The board shall develop a methodology and process for distributing emergency grants-in-aid for local government criminal justice activities. The board shall identify drug crime impact areas for the purpose of expedited awards of moneys in order to meet the current crisis that is threatening public safety and the credibility of the local government criminal justice system. "Drug crime impact areas" means those local governments that are experiencing recent significant increases in criminal justice costs and activities related to drug crimes. If any awards for jail construction are awarded under this section, the conditions in section 13 (1) and (2) of this act shall apply.

(2) The board shall award these emergency grants-in-aid no later than August 1, 1990. Any portion of the amounts appropriated for this purpose not awarded by August 1, 1990, shall be transferred by the board to the grants-in-aid program under section 7 of this act. Matching requirements shall not be required by the board for receipt of moneys under this section. Grants under this section shall not be made after August 1, 1990.

NEW SECTION, Sec. 9. The board shall keep proper records of accounts and shall be subject to audit by the state auditor. The board may request information of the state auditor as to audits of local governments receiving any moneys under this chapter.

NEW SECTION, Sec. 10. (1) On or before January 1st of each year, the board shall prepare a report on the status of criminal justice in the state of Washington. Such report may include policy recommendations to the legislature for dealing with criminal justice issues and problems.

(2) The board may conduct studies and research into criminal policies and practices as identified by the board. In conducting studies and research, the board may request assistance from the office of financial management, department of corrections, state patrol, sentencing guidelines commission, or other appropriate state, local, or federal agency or private source.

(3) The board may develop a library of materials on trends and techniques in dealing with local government criminal justice problems and issues that may be used by interested parties.

NEW SECTION, Sec. 11. (1) The criminal justice assistance account is hereby created in the state treasury. Except for unanticipated receipts under chapter 43.79 RCW, moneys in the account may be spent only after appropriation by statute. Expenditures from the account may be used only for the purposes of sections 6 through 8 of this act.

(2) On July 1, 1990, the state treasurer shall transfer twenty million dollars from the general fund to the criminal justice assistance account. On July 1, 1991, and each July 1st thereafter, the state treasurer shall transfer from the general fund to the criminal justice assistance account an amount equal to fifteen million dollars multiplied by a fraction. The numerator of the fraction is estimated state personal income for the fiscal year beginning on the date of the transfer. The denominator of the fraction is estimated state personal income for the fiscal year beginning July 1, 1990. State personal income estimates from the most recent official forecast under RCW 82.01.120 shall be used for purposes of this section. Once a transfer is made under this section, the amount of that transfer shall not be recalculated based on subsequent revisions of state personal income estimates.

NEW SECTION, Sec. 12. (1) Ten million dollars, or as much thereof as may be necessary, is appropriated from the criminal justice assistance account to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of distributions under section 6 of this act.

(2) Five million dollars, or as much thereof as may be necessary, is appropriated from the criminal justice assistance account to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of distributions under section 7 of this act.

(3) Five million dollars, or as much thereof as may be necessary, is appropriated from the criminal justice assistance account to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of distributions under section 8 of this act.

(4) Two hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of administering sections 1 through 11 of this act.

NEW SECTION, Sec. 13. The sum of fourteen million four hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the state building and construction account to the local justice assistance board for the biennium ending June 30, 1991, for the purpose of providing grants to local governments for construction and expansion of jail facilities. The appropriation in this section is subject to the following conditions and limitations:

(1) Before receiving a grant, an applicant shall demonstrate an ability to complete the construction or expansion of the jail facility;

(2) The grants shall not exceed an amount equivalent to sixty-six percent of the cost per bed, up to a maximum of twelve thousand dollars per bed, created or added to a jail facility;

(3) The office of financial management shall develop eligibility criteria for grants. The intent of the criteria is to award grants based on highest need. The criteria shall include, among other things determined by the office, a requirement for a jail management plan to reduce the local jail inmate population;

(4) The office of financial management may create a local advisory committee to develop the criteria for selection of projects for funding under this section. The advisory committee shall consist of representatives of law enforcement, jail administrators, prosecutors, judges, the department of corrections, the office of financial management, and other officials as deemed appropriate by the office.

Sec. 14. Section 21, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 82, chapter 57, Laws of 1985 and RCW 82.14.200 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.150(2). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150. ~~((as now or hereafter amended:))~~ the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150. ~~((as now or hereafter amended:))~~ the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150. ~~((as now or hereafter amended:))~~ the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at

the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

~~(6) ((Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties))~~ Subsequent to distributions under subsection (5) of this section and at such times as distributions are made under RCW 82.44.150, the department of revenue shall apportion and the state treasurer shall distribute to each fourth through ninth class county a fifth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be one hundred thousand dollars or an amount that when added to the distribution under subsection (2) of this section and the previous year's distribution under RCW 82.14.030(1) equals three hundred seventy-five thousand dollars, whichever is greater.

~~(7) Beginning on January 1, 1992, and each January 1st thereafter, the one hundred thousand dollars and three hundred seventy-five thousand dollars in subsection (6) of this section shall be adjusted by the same percentage calculated under subsection (2) of this section.~~

~~((7))~~ (8) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through ~~((5))~~ (6) of this section, then the distributions under subsections (3) through ~~((5))~~ (6) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through ~~((5))~~ (6) of this section to the counties.

~~((8))~~ (9) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through ~~((5))~~ (6) of this section, then the additional revenues shall be credited and transferred to the state general fund.

~~((9))~~ (10) All earnings of investments of balances in the county sales and use tax equalization account shall be credited to the general fund.

Sec. 15. Section 22, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 83, chapter 57, Laws of 1985 and RCW 82.14.210 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.150(3)(b). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.150(3)(a) multiplied by thirty-five sixty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (5) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (5) of this section. To qualify for the distributions under this

subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3) or (4) of this section, then the distributions under subsection (3) or (4) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3) and (4) of this section to the cities.

(6) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (4) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(7) The municipal targeted fiscal assistance account is created in the state treasury. Into this account shall be placed such revenues as are provided under RCW 82.44.150(2)(b).

(8) Prior to January 1, 1991, and each January 1st thereafter, the department of revenue shall determine which cities and towns will receive distributions from the municipal targeted fiscal assistance account. Cities and towns shall be eligible to receive distributions from this account if the following conditions are met:

(a) They are receiving a distribution under subsection (3) of this section; and

(b) They have a per capita assessed valuation of property that is at or below seventy percent of the state-wide average per capita assessed valuation of property for all cities.

(9) Beginning January 1, 1991, and each January 1st thereafter, at the same time as distributions are made under RCW 82.44.150, the department of revenue shall apportion and the state treasurer shall distribute to each city and town eligible under subsection (8) of this section an amount which when added to the per capita level of revenues received from the distributions under RCW 82.14.030(1) the previous calendar year and from the current year's distributions under subsection (3) of this section equals seventy-five percent of the state-wide average per capita level of revenues for all cities and towns as determined under RCW 82.14.210(1). The minimum payment under this subsection shall be five hundred dollars in any calendar year. The maximum payment under this subsection shall be twenty-six thousand dollars in any calendar year.

(10) Subsequent to the distributions under subsection (9) of this section and at such times as distributions are made under RCW 82.44.150, the department of revenue shall apportion and the state treasurer shall distribute to each city and town imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate during the full previous calendar year and receiving a distribution under subsection (9) of this section a second distribution from the municipal targeted fiscal assistance account. The distribution to each qualifying city or town shall be equal to the distribution to the city or town under subsection (9) of this section. Cities imposing the tax for less than the full calendar year shall qualify for prorated allocation under this subsection proportionate to the number of months of the year during which the tax was imposed.

(11) If inadequate revenues exist in the municipal targeted fiscal assistance account to make the distributions under subsections (9) and (10) of this section, the distributions under subsection (10) of this section shall be ratably reduced to the qualifying cities and towns. If inadequate revenues still exist then the distributions under subsection (9) of this section shall be ratably reduced.

(12) If the level of revenues in the municipal targeted fiscal assistance account exceeds the amount necessary to make the distributions under this section, then the additional revenues shall be credited and transferred to the state general fund.

(13) For a city or town initially incorporated on or after January 1, 1983, at the time distributions are made under subsection (3) of this section, the state treasurer shall place into a separate designated account for such city or town a pro rata amount of the revenues received under RCW 82.44.150(3)(b) equal to the city's or town's population multiplied by the amount of equalization funds to which the city or town would be entitled if its per capita yield the previous calendar year were zero. Such account shall take effect on January 1st of the first full calendar year during which the city or town imposes the taxes authorized by RCW 82.14.030(1) and shall cease to exist on December 31st of that year.

((b) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.))

(14) At the time that sales and use tax distributions are made pursuant to RCW 82.14.060, the revenues in such designated account shall be added to the city's or town's sales and use tax distributions so as to provide to such city or town an amount which reflects what such jurisdiction's entitlement from the municipal sales and use tax equalization account would have been if the actual distributions of sales and use tax revenues to such city or town had been received the previous full calendar year. Any excess revenues remaining in such designated account upon its expiration shall be apportioned according to subsection (6) of this section. If

the department of revenue determines during the year that any funds in the designated account are not necessary for the purposes of distribution under this subsection, the department may deposit those funds in the municipal sales and use tax equalization account to be apportioned according to subsection (6) of this section.

(15) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.

Sec. 16. Section 1, chapter 18, Laws of 1988 and RCW 82.44.150 are each amended to read as follows:

(1) The director of licensing shall on the twenty-fifth day of February, May, August, and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of licensing during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.020(6) and 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(6) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(6)(c):

(a) A sum equal to seventeen percent thereof shall be ~~((paid))~~ distributed to cities and towns ~~((in the proportions and for the purposes hereinafter set forth))~~ as provided in subsections (3) and (4) of this section.

(b) A sum equal to one-half of one percent shall be distributed to the municipal targeted fiscal assistance account created under RCW 82.14.210(7):

(c) A sum equal to ~~((two))~~ three percent thereof shall be ~~((allocable))~~ distributed to the county sales and use tax equalization account under RCW 82.14.200; and

(d) A sum equal to four and two-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax at a rate not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality shall be deposited in the rail development account established in RCW 47.78.010.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

Sec. 17. Section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 81, chapter 57, Laws of 1985 and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, metropolitan municipal corporations, and cities imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. All earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, metropolitan municipal corporations, and cities monthly.

Sec. 18. Section 7, chapter 94, Laws of 1970 ex. sess. as last amended by section 11, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.060 are each amended to read as follows:

(Bimonthly) Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

NEW SECTION. Sec. 19. Sections 17 and 18 of this act shall not be effective for earnings on balances prior to July 1, 1990, regardless of when a distribution is made.

Sec. 20. Section 11, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.010 are each amended to read as follows:

(1) ~~((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.))~~ The governing body of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price.

(2) ~~((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess., in lieu of imposing the tax authorized in RCW 82.14.030(2).))~~ The governing body of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax

and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(3) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(4) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(5) As used in this section, "city" means any city or town.

NEW SECTION, Sec. 21. A new section is added to chapter 41.26 RCW to read as follows:

(1) For taxes levied for collection in 1991 through 2021 only, the legislative authority of any county may levy an annual property tax of three cents per thousand dollars of assessed valuation of the property in the taxing district for the purpose of paying for disability benefits under RCW 41.26.150 including, but not limited to, medical benefits, nursing home benefits, congregate care benefits, or any related health benefits.

(2) The receipts from the tax imposed under this section shall be distributed as follows:

(a) Each city or town located within the county that is obligated to pay disability benefits under RCW 41.26.150 shall receive a portion of these tax receipts equal to the total receipts for the county under this section, multiplied by a fraction. The numerator of the fraction is the number of persons for whom the city or town is obligated to pay such benefits. The denominator of the fraction is the total number of persons eligible to receive such benefits in the county.

(b) The county shall retain the remainder of the receipts under this section.

(3) The receipts from tax under this section, and any interest earnings from these tax receipts, shall be used exclusively to pay for disability benefits under RCW 41.26.150.

(4) This section shall expire December 31, 2021.

Sec. 22. Section 134, chapter 195, Laws of 1973 1st ex. sess. as last amended by section 36, chapter 378, Laws of 1989 and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and ~~(thirty-seven and one-half)~~ sixty cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and fifty-five cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; ~~((and))~~ (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies for medical services and related health care as provided under section 21 of this act.

Sec. 23. Section 6, chapter 91, Laws of 1947 as last amended by section 2, chapter 319, Laws of 1987 and RCW 41.16.060 are each amended to read as follows:

It shall be the duty of the legislative authority of each municipality, each year ~~((as a part of its annual tax levy, to levy and place in))~~ to transfer into the fund ((a tax of) an amount of money equal to twenty-two and one-half cents per thousand dollars of the municipality's assessed value ((against all the taxable property of such municipality. PROVIDED, That), However, if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of ((said dollar rate)) this amount of money is not necessary to maintain the actuarial soundness of the fund, the ((levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of said dollar rate may be levied and used for any other municipal purpose)) municipality need transfer to the fund only the amount that the actuary finds is necessary to maintain the actuarial soundness of the fund.

Further, it shall be the duty of the legislative authority of each municipality, each year ~~((as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.043, to levy and place in))~~ to transfer an additional amount of money into the fund ((an additional

~~tax)) of up to an amount equal to twenty-two and one-half cents per thousand dollars of the municipality's assessed value ((against all taxable property of such municipality. PROVIDED: That)) if a report by a qualified actuary establishes that ((all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary)) such moneys are necessary to meet the estimated demands on the fund under this chapter for the ensuing budget year (~~the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose. PROVIDED FURTHER, That cities that have annexed to library districts according to RCW 27.12.360 through 27.12.395 and/or fire protection districts according to RCW 52.04.061 through 52.04.081 shall not levy this additional tax to the extent that it causes the combined levies to exceed the statutory or constitutional limits.~~~~

The amount of a levy under this section allocated to the pension fund may be reduced in the same proportion as the regular property tax levy of the municipality is reduced by chapter 84.55 RCW).

Sec. 24. Section 5, chapter 91, Laws of 1947 as last amended by section 3, chapter 296, Laws of 1986 and RCW 41.16.050 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments or donations given or paid thereto; (2) ~~((forty five percent of all moneys received))~~ contributions made by the state from taxes on fire insurance premiums; (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by firemen as provided for herein.

Forty-five percent of the moneys received by the state from the insurance premiums tax on fire insurance premiums ((under the provisions of this chapter)) shall be distributed to cities, towns, and fire protection districts in the proportion that the number of ((paid)) retired firemen and widows or widowers in the city, town or fire protection district bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of ((paid)) firemen ((in the fire department in)) and former firemen who are eligible for benefits under chapter 41.16 or 41.18 RCW from such city, town or fire protection district together with the number of their widows and widowers who are eligible for such pension benefits and the number of former pension system members whose interests are being distributed to children of such members. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town and fire protection district coming under the provisions of this chapter his warrant, payable to each city, town or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town or fire protection district.

Annually, on or before the first day of September, any money remaining in the firemen's pension fund of a city, town, or fire protection district, that was obtained from distributions of the state insurance premiums tax on fire insurance premiums, shall be transferred to the state treasurer if no persons are eligible for pension benefits under chapter 41.16 or 41.18 RCW. The money so transferred to the state treasurer shall be distributed to cities, towns, and fire protection districts by the state treasurer, in the same manner as fire insurance premium tax receipts are distributed, when the next distribution of such fire insurance premium tax receipts is made.

NEW SECTION. Sec. 25. A new section is added to chapter 41.16 RCW to read as follows:

On or before the first day of November of each year, each municipality that has a pension system created under this chapter shall provide to the state actuary such information as the state actuary needs to analyze the fiscal condition of the retirement system.

NEW SECTION. Sec. 26. A new section is added to chapter 41.18 RCW to read as follows:

On or before the first day of November of each even-numbered year, each municipality that has a pension system created under this chapter shall provide to the state actuary such available information, including actuarial reports, as the state actuary needs to review the fiscal condition of the retirement system.

NEW SECTION. Sec. 27. A new section is added to chapter 44.44 RCW to read as follows:

The state actuary shall submit a report to the legislature on or before the first day of January of each odd-numbered year reviewing the fiscal condition of the retirement systems reported under sections 25 and 26 of this act.

NEW SECTION. Sec. 28. A new section is added to Title 36 RCW to read as follows:

(1) The legislative authority of a county may impose a tax on employers in the unincorporated area of the county for the privilege of doing business. The following conditions shall apply:

(a) The tax shall be measured by the number of employees.

(b) The tax may be imposed by ordinance. The ordinance may provide exemptions for classes of employers, including but not limited to nonprofit organizations and government agencies.

(c) The tax shall not be measured by the gross receipts of the business.

(d) The tax shall not exceed five dollars per month per employee.

(e) Only one county can impose a tax in respect to each employee, regardless of the number of counties in which an employer does business. The department of revenue shall adopt rules for allocation of tax between counties under this section. No county may impose taxes in a manner inconsistent with department rules.

(2) Revenues derived from the imposition of the tax authorized under subsection (1) of this section may be used for any legal purpose.

Sec. 29. Section 1, chapter 342, Laws of 1989 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of seventy-eight dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional forty-eight dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of seventy-eight dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of ~~((fifteen))~~ twenty dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of ~~((five))~~ twenty dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury ~~((of six))~~ in a civil action, shall pay, at the time of ~~((filing, a fee of twenty-five dollars, if the demand is for a jury of twelve the fee shall be fifty dollars))~~ making the demand, an initial amount equal to one daily jury fee and an additional amount at the conclusion of the time the jury was required equal to the daily jury fee multiplied by the actual number of days required. The daily fee shall be sixty dollars for a jury of six and one hundred twenty dollars for a jury of twelve. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, ~~((am))~~ the additional ~~((twenty-five dollar))~~ fee ~~((will be required of))~~ shall be paid by the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect ~~((two))~~ twenty dollars.

(8) For copying an instrument on file or of record in the clerk's office, a fee of one dollar per page. For ~~((preparing, transcribing or))~~ certifying any instrument on file or of record in the clerk's office, with or without seal, ~~((for the first page or portion thereof))~~ a fee of ~~((two))~~ three dollars ~~((and for each additional page or portion thereof a fee of one dollar))~~. For authenticating or exemplifying any instrument, a fee of ~~((one))~~ three dollars for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of ~~((five))~~ twenty dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of seventy-eight dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of seventy-eight dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of ~~((two))~~ three dollars.

(15) For the preparation of a passport application there shall be a fee ~~((of four dollars))~~ as provided by federal law.

(16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(17) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmation of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of seventy dollars.

(18) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(19) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(20) For filing a document with the court for a motion or motions in a civil action, a fee of ten dollars shall be charged.

NEW SECTION. Sec. 30. A new section is added to chapter 63.29 RCW to read as follows:

A local government holding abandoned intangible property that is not forwarded to the department of revenue, as authorized under RCW 63.29.170, shall not be required to maintain current records of this property for longer than five years after the property is presumed to be abandoned, and at that time may archive records of this intangible property and transfer the intangible property to its general fund. However, the local government shall remain liable to pay the intangible property to a person or entity subsequently establishing its ownership of this intangible property.

Sec. 31. Section 19, chapter 179, Laws of 1983 and RCW 63.29.190 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under RCW 63.29.170, within six months after the final date for filing the report as required by RCW 63.29.170, shall pay or deliver to the department all abandoned property required to be reported. Counties, cities, towns, and other municipal and quasi-municipal corporations which hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, excess proceeds from property tax and irrigation district foreclosures, and property tax overpayments or refunds, may retain such funds until the owner notifies them and establishes ownership.

(2) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the department, and the property will no longer be presumed abandoned. In that case, the holder shall file with the department a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(3) Property reported under RCW 63.29.170 for which the holder is not required to report the name of the apparent owner must be delivered to the department at the time of filing the report.

(4) The holder of an interest under RCW 63.29.100 shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the department. Upon delivery of a duplicate certificate to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with RCW 63.29.200 to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the department, for any losses or damages resulting to any person by the issuance and delivery to the department of the duplicate certificate.

NEW SECTION. Sec. 32. A new section is added to chapter 63.29 RCW to read as follows:

Any funds covered by RCW 63.29.190 that were received by the state prior to the effective date of this act shall be retained by the state of Washington, and any such funds not remitted to the state prior to the effective date of this act may be retained as provided for under RCW 63.29.190.

Sec. 33. Section 1, chapter 224, Laws of 1984 and RCW 46.16.216 are each amended to read as follows:

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations include only those violations for which notice has been received from local agencies by the department ~~((one hundred fifty))~~ ninety days or more before the date the vehicle license expires and that are placed on the

records of the department. Notice of such violations received by the department later than ~~((one hundred fifty))~~ ninety days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, and parking violations, or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, and parking violations exist, presents proof of payment and pays a ~~((ten))~~ fifteen dollar surcharge.

(2) The ~~((ten dollar))~~ surcharge shall be allocated as follows:

(a) ~~((Five))~~ Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations, at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

Sec. 34. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 5, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that ~~((three))~~ two or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into

agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

Sec. 35. Section 6, chapter 1, Laws of 1980 and RCW 43.135.060 are each amended to read as follows:

(1) (a) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the state. The amount of increased revenue that is received or could be received by a taxing district as a result of legislative enactments after 1979 shall be included as reimbursement under this section.

(b) Reimbursement is not required under this section in respect to:

(i) Changes in sentences or enforcement procedures for criminal justice activities relating to crimes established before, or substantially similar to crimes established before, July 1, 1990.

(ii) Changes relating to criminal justice activities that have historically been the responsibility of the taxing district.

(iii) Enactments that the legislature declares are exempt from this subsection as necessary for the preservation of the public peace, health, or safety.

(c) The legislature finds that adequate resources have been provided to all taxing districts and further reimbursement is thus not required for new programs and increased levels of service under existing programs required by the state through July 1, 1990.

(2) ~~(That proportion of state tax revenue which consists of direct state appropriations to taxing districts taken as a group shall not be decreased below that proportion appropriated in the biennium immediately preceding January 1, 1980. PROVIDED: This proportion shall be decreased in any fiscal year only if: (a) The legislature decreases the state tax revenue limit for that fiscal year by an amount equal to the dollar amount of any decrease in direct state appropriations to taxing districts taken as a whole; or (b) the state tax revenue limit has been increased under RCW 43.135.050(3) or 43.135.060(3) and the decrease of the proportion is commensurate with the increase in the state tax revenue limit.~~

(3)) If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

((4)) (3) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.

Sec. 36. Section 2, chapter 19, Laws of 1977 ex. sess. as last amended by section 16, chapter 125, Laws of 1984 and RCW 43.132.020 are each amended to read as follows:

(1) The director of financial management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other political subdivisions of the state. The office of financial management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a "fiscal note". Fiscal notes under this chapter shall be given the same priority as fiscal notes relating to state revenues and expenditures under chapter 43.88A RCW.

(2) Such fiscal notes shall indicate by fiscal year the total impact on the subdivisions involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other political subdivisions.

(3) A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A legislator also may request that such a fiscal note be revised to reflect the impact of proposed amendments or substitute bills. Fiscal notes shall be completed within seventy-two hours of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of financial management which report summarizes the progress in preparing the fiscal note. If

the request is referred to the director of community development, the daily report shall also include the date and time such referral was made.

(4) A fiscal note as defined in this section shall be prepared for any bill, substitute bill, or amendment that substantially imposes responsibility for new programs or increased levels of service under existing programs on any unit of local government. A fiscal note under this subsection must be completed before the bill, substitute bill, or amendment becomes law.

NEW SECTION. Sec. 37. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 38. Sections 1 through 11 of this act shall expire December 31, 1995.

NEW SECTION. Sec. 39. The expiration of sections 1 through 11 and 21 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under that section or under any rule or order adopted under that section, nor as affecting any proceeding instituted under that section.

NEW SECTION. Sec. 40. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 41. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately except for sections 14 through 16 and 23 through 27 of this act, which shall take effect on January 1, 1991, and sections 33 and 34 of this act which shall take effect on July 1, 1990.

NEW SECTION. Sec. 42. Section 22 of this act shall be effective for taxes levied for collection in 1991 and thereafter.*

On page 1, line 1 of the title, after "matters," strike the remainder of the title and insert "amending RCW 82.14.200, 82.14.210, 82.44.150, 82.14.050, 82.14.060, 82.46.010, 84.52.043, 41.16.060, 41.16.050, 36.18.020, 63.29.190, 46.16.216, 46.20.270, 43.135.060, and 43.132.020; adding a new chapter to Title 43 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new section to chapter 44.44 RCW; adding a new section to Title 36 RCW; adding new sections to chapter 63.29 RCW; creating new sections; making appropriations; providing an expiration date; providing effective dates; and declaring an emergency.*"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 6904 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE*

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 6904 and the House amendments thereto: Senators McCaslin, McMullen and Amondson.

*EDITOR'S NOTE: See change in Conference Committee appointments to Engrossed Senate Bill No. 6904 made on the fifty-seventh day, March 5, 1990.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SENATE BILL NO. 6408 with the following amendments:

On page 3, line 30 after "By" strike "June 30, 1990" and insert "~~(June 30, 1990)~~ January 10, 1991"

On page 6, beginning on line 5 strike all of section 8
Renumber the remaining sections consecutively..

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Senate Bill No. 6408 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6408 and the House amendments thereto: Senators Patterson, Bender and Thorsness.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6417 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

As used in this act, the following phrases have the following meanings:

CEP & RI Acct means Charitable, Educational, Penal, and Reformatory Institutions Account;

CWU Cap Proj Acct means Central Washington University Capital Projects Account;

Cap Bldg Constr Acct means Capitol Building Construction Account;

Cap Purch & Dev Acct means Capitol Purchase and Development Account;

Capital improvements or *capital projects* means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

Common School Constr Fund means Common School Construction Fund;

Drug Enf & Ed Acct means Drug Enforcement and Education Account;

DSHS Constr Acct means State Social and Health Services Construction Account;

ESS Rail Assis Acct means essential rail assistance account;

ESS Rail Bank Acct means essential rail bank account;

EWU Cap Proj Acct means Eastern Washington University Capital Projects Account;

East Cap Devel Acct means east campus development account;

Fish Cap Proj Acct means Fisheries Capital Projects Account;

For Dev Acct means Forest Development Account;

Game Spec Wildlife Acct means Game Special Wildlife Account;

H Ed Constr Acct means Higher Education Construction Account 1979;

H Ed Reimb S/T bonds Acct means Higher Education Reimbursable Short-Term Bonds Account;

Hndcp Fac Constr Acct means Handicapped Facilities Construction Account;

K-12 Education Acct means the "children's initiative fund"—K-12 education account* created by Initiative 102 if Initiative 102 is enacted;

L & I Constr Acct means Labor and Industries Construction Account;

LIRA means State and Local Improvement Revolving Account;

LIRA, DSHS Fac means Local Improvements Revolving Account—Department of Social and Health Services Facilities;

LIRA, Public Rec Fac means State and Local Improvement Revolving Account—Public Recreation Facilities;

LIRA, Waste Disp Fac means State and Local Improvement Revolving Account—Waste Disposal Facilities;

LIRA, Waste Fac 1980 means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

LIRA, Water Sup Fac means State and Local Improvement Revolving Account—Water supply facilities;

Lapse or *revert* means the amount shall return to an unappropriated status;

Local Jail Imp & Constr Acct means Local Jail Improvement and Construction Account;

ORA means Outdoor Recreation Account;

ORV means off road vehicle;

Provided solely means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert;

"Public Safety and Education Acct" means Public Safety and Education Account;
 "Res Mgmt Cost Acct" means Resource Management Cost Account;
 "Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;
 "St Bldg Constr Acct" means State Building Construction Account;
 "St Fac Renew Acct" means State Facilities Renewal Account;
 "St H Ed Constr Acct" means State Higher Education Construction Account;
 "State Emerg Water Proj Rev" means Emergency Water Project Revolving Account—

State:

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
 "UW Bldg Acct" means University of Washington Building Account;
 "Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;
 "WA St Dev Loan Acct" means Washington State Development Loan Account;
 "WSP Constr Acct" means Washington State Patrol Construction Account—State;
 "WSU Bldg Acct" means Washington State University Building Account;
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

PART 1

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Technical review of capital projects (90-5-010)

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| General Fund—State | | 215,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 215,000 |

NEW SECTION. Sec. 102. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Local jail facilities assistance

The appropriation in this section is subject to the following conditions and limitations:

- (1) This appropriation is provided solely for grants to local governments for construction and expansion of jail facilities.
- (2) The grants shall not exceed an amount equal to sixty-six percent of the cost per bed, up to a maximum of \$12,000 per bed, created or added to a jail facility.
- (3) Before receiving a grant, an applicant shall demonstrate an ability to complete the construction or expansion of the jail facility.
- (4) The office of financial management shall develop eligibility criteria for grants, in order to award grants based on highest need. The criteria shall include a requirement for a local jail management plan to reduce the local jail inmate population.
- (5) The office of financial management shall establish an advisory board to develop criteria for awarding grants for jail facilities.
- (6) This appropriation is null and void if an appropriation for the same purpose is provided in Substitute House Bill No. 2833, and if the bill is enacted by June 30, 1990.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| St Bldg Constr Acct | | 14,400,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 253,000,000 | | 267,400,000 |

Sec. 103. Section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Minor works: Northern state repairs (90-1-012)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.
- (2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use and for electrical repairs.

| | | |
|----------------------|-----------------------|------------------|
| | Reappropriation | Appropriation |
| CEP & RI Acct | | 100,000 |
| St Bldg Constr Acct | | ((966,666)) |
| | | <u>1,244,000</u> |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | ((+866,666)) |
| | | 1,344,000 |

NEW SECTION. Sec. 104. A new section is added to chapter 12, Laws of 1989 ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Criminal justice training center

The appropriations in this section are subject to the following conditions and limitations:

(1) These appropriations are provided solely for the acquisition of and capital improvements to a multipurpose facility to be used by the criminal justice training commission for its educational programs and by other state agencies for meetings and other appropriate uses as determined by the department of general administration.

(2) The department shall negotiate a price for the property and make the balance of the appropriation available for improvements necessary for the facility to meet the educational needs of the criminal justice training commission.

| | Reappropriation | Appropriation |
|----------------------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 11,000,000 |
| Public Safety and Education Acct | | 3,000,000 |
| | <u>Prior Biennia</u> | <u>Total</u> |
| | <u>Future Biennia</u> | 14,000,000 |

Sec. 105. Section 138, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multi-Service Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the renovation of buildings to provide long-term care for the mentally ill.

(2) No moneys from this appropriation may be expended until the department secures a lease with a county or a group of counties (~~for the buildings to be renovated~~) for the purpose of operating a (~~long-term care~~) facility for the mentally ill.

(3) No moneys from this appropriation may be expended prior to (~~adoption of a plan~~) approval of a plan by the department of social and health services to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

| | Reappropriation | Appropriation |
|---------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 2,500,000 |
| | <u>Prior Biennia</u> | <u>Total</u> |
| | <u>Future Biennia</u> | 2,500,000 |

Sec. 106. Section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs and renovation (90-2-006)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|------------------------|
| Cap Bldg Constr Acct | | 1,426,000 |
| St Bldg Constr Acct | | 193,000 |
| | <u>Prior Biennia</u> | <u>Total</u> |
| | <u>Future Biennia</u> | 1,340,000 |
| | | (2,766,000) |
| | | 2,959,000 |

NEW SECTION. Sec. 107. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

HVAC reappropriation (89-2-001)

| | Reappropriation | Appropriation |
|---------------------|-----------------------|---------------|
| St Bldg Constr Acct | 274,000 | |
| | <u>Prior Biennia</u> | <u>Total</u> |
| | <u>Future Biennia</u> | 274,000 |

Sec. 108. Section 142, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Constr watercraft supt training complex (86-1-003)

The appropriations in this section are subject to the following conditions and limitations:

((H)) The state building construction account appropriation is provided solely for the acquisition of a 50-year lease from the Port of Tacoma.

((2) ~~The office of financial management shall not allot any portion of this appropriation unless it first determines that an agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state.~~

((3) ~~It is the intent of the legislature that once the state owns the Ruston Way property, the property shall be available for sale in order to recover the cost of the 50-year lease.~~)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| General fund—Federal | | 6,885,000 |
| St Bldg Constr Acct | | 1,300,000 |
| | <u>Prior Biennia</u> | <u>Total</u> |
| | <u>Future Biennia</u> | 15,324,000 |
| | 1,640,000 | 5,500,000 |

PART 2
HUMAN RESOURCES

NEW SECTION. Sec. 201. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Asian counseling and referral service (90-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for building renovation costs only.

(2) The Asian counseling and referral service shall continue to provide uncompensated community services.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| St Bldg Constr Acct | | 100,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 100,000 |

NEW SECTION. Sec. 202. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Seventh Street Theatre

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the repair and renovation of an historic theatre in Hoquiam.

(2) No entity may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| St Bldg Constr Acct | | 250,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 250,000 |

NEW SECTION. Sec. 203. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
A contemporary theater

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the construction of a new theater in Seattle.

(2) No entity may receive any portion of this appropriation unless it agrees to provide at least \$9,000,000, including the value of land, from nonstate sources for the same purpose.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| St Bldg Constr Acct | | 1,000,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 1,000,000 |

Sec. 204. Section 218, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
~~(Purchase of the Last Territorial Governor's House)~~ Liberty Theatre

The appropriation in this section is subject to the following conditions and limitations:

~~(1) ((Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this appropriation.~~

~~(2) A nonprofit organization shall be formed for the purpose of spending this appropriation and operating the territorial governor's house.~~

~~(3) The purchase price shall not exceed an independently appraised value.)~~ This appropriation is provided solely for the renovation of an historic theater in Walla Walla.

(2) No entity may receive any portion of this appropriation unless it agrees to provide at least \$190,000 from nonstate sources for the same purpose.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| St Bldg Constr Acct | | 200,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 200,000 |

Sec. 205. Section 203, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Endangered landmark buildings (88-2-009)

The appropriation in this section is subject to the following conditions and limitations:

~~(1) ((5600,000 is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund))~~ \$50,000 of this appropriation may be used in conjunction with \$100,000 from the endangered landmark preservation fund for matching grants-in-aid under RCW 27.34.220.

(2) ~~((This appropriation is contingent on an equal amount being provided from nonstate sources on a project by project basis:~~

~~(3) If legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, any moneys remaining from the appropriation in this section shall lapse)) No entity may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.~~

| | Reappropriation | Appropriation |
|----------------------|-----------------------------------|-----------------------------------|
| St Bldg Constr Acct | ((600,000)) 350,000 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | ((600,000)) 350,000 |

Sec. 206. Section 209, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---|
| Pub Works Asst Acct | 61,627,871 | ((78,241,000)) 86,957,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 32,446,397 | 168,562,493 | ((327,623,873)) 336,339,873 |

NEW SECTION. Sec. 207. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane Falls community college athletic track

The appropriation in this section is subject to the following conditions and limitations: No entity may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 283,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 283,000 |

NEW SECTION. Sec. 208. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane food bank freezer

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 100,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 100,000 |

NEW SECTION. Sec. 209. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Klickitat dredge spoil project

The appropriation in this section is subject to the following conditions and limitations:

(1) The port of Klickitat shall sign an agreement to repay amounts received from this appropriation plus interest in eight annual installments beginning July 1, 1993.

(2) Expenditure of moneys from this appropriation is contingent on \$300,000 from port district funds being provided for the project.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 250,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 250,000 |

NEW SECTION. Sec. 210. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bremerton naval heritage redevelopment project

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the siting of the naval destroyer U.S.S. Turner Joy in conjunction with the waterfront redevelopment project.

(2) No entity may receive any portion of this appropriation unless it agrees to provide an equal matching amount from nonstate sources, including in-kind contributions, for the same purpose.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 256,000 |
| | | Total |
| | | 256,000 |

Sec. 211. Section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center implement master plan (88-2-003)

The appropriation in this section is subject to the following conditions and limitations: Mon-
eys in this appropriation shall not be expended until the master plan has been submitted to the
legislative fiscal committees and the office of financial management has reported to the com-
mittees that satisfactory progress has been made on receiving approval of the environmental
impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.

| | | |
|----------------------|---------------------------|---------------------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | ((4,377,000)) |
| 621,000 | ((28,000,000)) | 33,231,000 |
| | 48,263,800 | Total |
| | | ((32,998,000)) |
| | | 82,115,800 |

NEW SECTION. Sec. 212. A new section is added to chapter 12, Laws of 1989 1st ex. sess.
(uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Facilities master plan

The appropriation in this section is subject to the following conditions and limitations: The
department shall develop a facilities master plan for the correctional system to improve the
efficiency of the system and to accommodate the increasing number and changing needs of
the inmate population. Specific plans for women and geriatric inmates, a reception center, and
work release facilities shall be included in the master plan.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 200,000 |
| | | Total |
| | | 200,000 |

Sec. 213. Section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read
as follows:

FOR THE DEPARTMENT OF CORRECTIONS

~~((Clallam Bay corrections center double ceiling and program area renovations))~~ Clallam
Bay Corrections Center expansion (90-5-026)

| | | |
|----------------------|-----------------------|--------------------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | ((4,071,000)) |
| | | 25,301,500 |
| | | Total |
| | | ((4,071,000)) |
| | | 25,301,500 |

NEW SECTION. Sec. 214. A new section is added to chapter 12, Laws of 1989 1st ex. sess.
(uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Open new regional camps (90-2-001)

The appropriation in this section is provided for the design and construction and/or acqui-
sition of new minimum security camps.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 46,905,200 |
| | | Total |
| | | 46,905,200 |

NEW SECTION. Sec. 215. A new section is added to chapter 12, Laws of 1989 1st ex. sess.
(uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center double-bunking (90-2-002)

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 172,600 |
| | | Total |
| | | 172,600 |

NEW SECTION. Sec. 216. A new section is added to chapter 12, Laws of 1989 1st ex. sess.
(uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Minimum security unit double-bunking (90-2-003)

| | | |
|---------------------|-----------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| | | 1,209,600 |

| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
|--|----------------------|-----------------------|---------------|
| | | | 1,209,600 |
| <u>NEW SECTION</u> , Sec. 217. A new section is added to chapter 12, Laws of 1989 1st ex. sess. | | | |
| (unmodified) to read as follows: | | | |
| FOR THE DEPARTMENT OF CORRECTIONS | | | |
| Twin Rivers Corrections Center double-bunking (90-2-004) | | | |
| | | Reappropriation | Appropriation |
| St Bldg Constr Acct | | | 2,844,000 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | | 2,844,000 |
| <u>NEW SECTION</u> , Sec. 218. A new section is added to chapter 12, Laws of 1989 1st ex. sess. | | | |
| (unmodified) to read as follows: | | | |
| FOR THE DEPARTMENT OF CORRECTIONS | | | |
| Washington state penitentiary—Medium security complex double-bunking (90-2-005) | | | |
| | | Reappropriation | Appropriation |
| St Bldg Constr Acct | | | 1,127,500 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | | 1,127,500 |
| <u>NEW SECTION</u> , Sec. 219. A new section is added to chapter 12, Laws of 1989 1st ex. sess. | | | |
| (unmodified) to read as follows: | | | |
| FOR THE DEPARTMENT OF CORRECTIONS | | | |
| Clearwater/Olympic 100 bed expansion (90-2-006) | | | |
| | | Reappropriation | Appropriation |
| St Bldg Constr Acct | | | 1,854,000 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | | 1,854,000 |
| <u>NEW SECTION</u> , Sec. 220. A new section is added to chapter 12, Laws of 1989 1st ex. sess. | | | |
| (unmodified) to read as follows: | | | |
| FOR THE DEPARTMENT OF CORRECTIONS | | | |
| Cedar Creek Corrections Center 100 bed expansion (90-2-007) | | | |
| | | Reappropriation | Appropriation |
| St Bldg Constr Acct | | | 1,740,000 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | | 1,740,000 |
| <u>NEW SECTION</u> , Sec. 221. A new section is added to chapter 12, Laws of 1989 1st ex. sess. | | | |
| (unmodified) to read as follows: | | | |
| FOR THE DEPARTMENT OF CORRECTIONS | | | |
| Washington state penitentiary—Six and eight wing emergency capacity (90-2-014) | | | |
| | | Reappropriation | Appropriation |
| St Bldg Constr Acct | | | 131,700 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | | 131,700 |
| <u>NEW SECTION</u> , Sec. 222. A new section is added to chapter 12, Laws of 1989 1st ex. sess. | | | |
| (unmodified) to read as follows: | | | |
| FOR THE DEPARTMENT OF CORRECTIONS | | | |
| Eastern Washington prerelease emergency capacity (90-2-015) | | | |
| | | Reappropriation | Appropriation |
| St Bldg Constr Acct | | | 61,800 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | | 61,800 |
| <u>NEW SECTION</u> , Sec. 223. A new section is added to chapter 12, Laws of 1989 1st ex. sess. | | | |
| (unmodified) to read as follows: | | | |
| FOR THE DEPARTMENT OF CORRECTIONS | | | |
| Forestry camps 1 & 2: Expand from 200 to 300 beds (90-5-027) | | | |
| | | Reappropriation | Appropriation |
| St Bldg Constr Acct | | | 4,819,900 |
| Drug Enf & Ed Acct | | | 7,106,000 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | | 11,925,900 |
| <u>NEW SECTION</u> , Sec. 224. A new section is added to chapter 12, Laws of 1989 1st ex. sess. | | | |
| (unmodified) to read as follows: | | | |
| FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES | | | |
| Cottage renovation at Echo Glen to accommodate increased housing and treatment needs of juvenile sex offenders pursuant to Engrossed Second Substitute Senate Bill No. 6259. | | | |
| | | Reappropriation | Appropriation |
| St Bldg Constr Acct | | | 106,000 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | | 106,000 |

NEW SECTION. Sec. 225. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

To design and construct a 24-bed residential facility at Maple Lane School to accommodate increased housing and treatment needs of juvenile sex offenders pursuant to Engrossed Second Substitute Senate Bill No. 6259.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| | | 1,256,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 1,256,000 |

PART 3

NATURAL RESOURCES

NEW SECTION. Sec. 301. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Westhaven comfort station replacement (89-2-119)

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| | | 423,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 423,000 |

NEW SECTION. Sec. 302. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden balloon hangar (90-5-004)

The appropriation in this section is subject to the following conditions and limitations: Expenditures from this appropriation shall be matched by at least \$1,100,000 from nonstate sources.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| | | 500,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 500,000 |

NEW SECTION. Sec. 303. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

John Wayne Trail—Tunnel 47 safety improvements (91-1-005)

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| | | 196,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 196,000 |

Sec. 304. Section 320, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

West Hylebos—Acquisition and development (86-4-013)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by June 30, ((1990)) 1991.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| | 195,595 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 177 | | 195,772 |

Sec. 305. Section 357, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Maryhill—Development (88-5-035)

The appropriation in this section is subject to the following conditions and limitations: Not more than \$75,000 may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| | 1,025,798 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 50,202 | | 1,076,000 |

NEW SECTION. Sec. 306. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Colville Tribes Interpretive Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to the state parks and recreation commission to help the Confederated Tribes of the Colville Indian Reservation complete a plan for an interpretive center to depict the heritage of the eleven bands forming the federation and for a memorial to Chief Joseph.

(2) The commission shall submit the plan to the governor and the legislature.

| | | |
|---------------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| Trust Lands Purchase Acct | | 25,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 25,000 |

NEW SECTION, Sec. 307. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Olympic Academy (91-5-001)

The appropriation in this section is subject to the following conditions and limitations: Expenditures from this appropriation may not exceed fifteen percent of the total cost of constructing the facility, including the value of donated property.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| St Bldg Constr Acct | | 3,500,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 3,500,000 |

Sec. 308. Section 396, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Washington Technology Center (88-1-003)

The appropriation in this section shall be subject to the following conditions and limitations: The moneys from this appropriation shall be transferred to and administered by the University of Washington.

| | | |
|----------------------|-----------------------|-------------------|
| | Reappropriation | Appropriation |
| St Bldg Constr Acct | 9,600,000 | ((966,000)) |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 5,302,000 | | ((15,662,000)) |
| | | <u>14,902,000</u> |

Sec. 309. Section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access—Renovation (86-2-028)

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall lapse if construction has not begun by ~~((June 30, 1990))~~ March 31, 1991.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| ORA—Federal | 20,000 | |
| ORA—State | 191,000 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 211,000 |

Sec. 310. Section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Hood Canal boat access development (86-3-035)

The appropriations in this section are subject to the following conditions and limitations: If not expended by ~~((June 30))~~ December 31, 1990, the appropriations in this section shall lapse.

| | | |
|-----------------------------|-----------------------|----------------|
| | Reappropriation | Appropriation |
| <u>General Fund—Federal</u> | | <u>171,000</u> |
| ORA—Federal | 30,000 | |
| ORA—State | 270,000 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | ((360,000)) |
| | | <u>471,000</u> |

Sec. 311. Section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Columbia River—Fishing access (88-5-014)

The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if necessary permits have not been obtained by ~~((December 31, 1989))~~ June 30, 1990.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| St Bldg Constr Acct | 186,000 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 129,000 | | 315,000 |

Sec. 312. Section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Wildlife area repair and development (90-2-016)

| | | |
|------------------------------|-----------------------|----------------|
| | Reappropriation | Appropriation |
| Wildlife Acct—State | | ((250,000)) |
| | | 265,000 |
| <u>Wildlife Acct—Federal</u> | | <u>45,000</u> |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | Total |
| | 500,000 | ((750,000)) |
| | | <u>810,000</u> |

NEW SECTION. Sec. 313. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy creek.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| Wildlife Acct—State | | 500,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | Total |
| | | 500,000 |

NEW SECTION. Sec. 314. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Office repair/renovation/remodel (90-2-020)

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be expended for the expansion, renovation, or remodeling of facilities in Olympia, with the exception of the remodel of the Olympia warehouse.

| | | |
|----------------------|-----------------------|---------------|
| | Reappropriation | Appropriation |
| Wildlife Acct—State | | 580,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | Total |
| | | 580,000 |

Sec. 315. Section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Regional Office Facilities Relocation—Purchase or Construct (90-2-021)

The appropriation in this section is subject to the following conditions and limitations: If the site selected for the new Spokane office is a site that was owned by the department as of January 1, 1990, \$75,000 of the appropriation shall lapse.

| | | |
|----------------------|-----------------------|------------------|
| | Reappropriation | Appropriation |
| Wildlife Acct—State | | ((425,000)) |
| | | <u>1,610,000</u> |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | Total |
| | | ((425,000)) |
| | | <u>1,610,000</u> |

NEW SECTION. Sec. 316. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

State trust land transfer (90-2-001)

This appropriation is for the acquisition in fee of common school trust lands and timber throughout the state as determined by the board of natural resources.

The appropriation in this section is subject to the following conditions and limitations:

(1) The lands and timber acquired under this section shall be managed under either chapter 79.70 or 79.71 RCW, as determined by the board of natural resources;

(2) The land and timber shall be separately appraised and shall be acquired at full market value;

(3) The trust land to be acquired shall be replaced, by transfer, with real property of equal value purchased with this appropriation. The replacement timber land shall be managed as common school trust land to maintain a sustainable yield;

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber value to land value in these transactions;

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts;

(6) The proceeds of the sale of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deductions may be made for the resource management cost account under RCW 79.64.040;

(7) \$20,000,000 of this appropriation is provided solely to acquire common school trust lands that have been identified in the state parks and recreation commission's 1989 agreement

with the department of natural resources as appropriate for state park use. The amount provided in this subsection shall be reduced by an amount equal to any portion from the \$8,000,000 in proceeds of bonds authorized by chapter 14, Laws of 1989 1st ex. sess. that is expended pursuant to section 401(3) of this act for the same purpose as the purpose of this subsection; and

(8) This appropriation is null and void if an appropriation for the same purpose is provided in Substitute Senate Bill No. 6407, and if the bill is enacted by June 30, 1990.

| General Fund—State | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| | | 42,000,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 42,000,000 |

Sec. 317. Section 510, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Timber—Fish—Wildlife (88-2-021)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the orphan roads are not identified by September 30, 1989, and construction begun by (~~December 31, 1989~~) September 1, 1990.

| St Bldg Constr Acct | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| | 262,500 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 37,500 | | 300,000 |

Sec. 318. Section 519, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation site renovation (89-3-001)

The appropriations in this section are subject to the following conditions and limitations: If not expended by (~~June~~) September 30, 1990, the appropriations in this section shall lapse.

| St Bldg Constr Acct | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| | 550,100 | |
| ORA—State | 561,100 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 36,800 | | 1,148,000 |

Sec. 319. Section 394, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Grants to public agencies' recreation projects (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: \$765,000 of the state building and construction account appropriation is provided solely for a grant to Chelan county for the purpose of acquiring Ohme Gardens and making necessary safety and irrigation improvements to that property. The property shall be operated by Chelan county at county expense. The operating expenses provided by the county shall be considered matching funds to this grant.

| St Bldg Constr Acct | Reappropriation | Appropriation |
|----------------------|-----------------------|----------------|
| | | ((500,000)) |
| | | 1,265,000 |
| ORA—Federal | 150,000 | 800,000 |
| ORA—State | 1,068,604 | 6,436,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 21,513,197 | 12,000,000 | ((42,467,801)) |
| | | 43,232,801 |

NEW SECTION. Sec. 320. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Acquisition of wildlife conservation and recreation lands

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$22,500,000 of the appropriation from the habitat conservation account shall be expended in the following manner:

(i) At least thirty-five percent for the acquisition and development of critical habitat;

(ii) At least twenty percent for the acquisition and development of natural areas;

(iii) At least fifteen percent for the acquisition and development of urban wildlife habitat;

and

(iv) The remaining amount shall be considered unallocated and shall be used by the committee to fund high-priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat;

(b) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under (a) (i), (ii), and (iv) of this subsection; and

(c) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under (a)(iii) and (iv) of this subsection.

(2) (a) \$22,500,000 of the appropriation from the outdoor recreation account shall be expended in the following manner:

(i) At least twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs;

(ii) At least twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(iii) At least fifteen percent for the acquisition and development of trails;

(iv) At least ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(v) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high-priority acquisition and development needs for parks, trails, and water access sites;

(b) Only local agencies may apply for acquisition, development, or renovation funds for local parks under (a)(ii) of this subsection;

(c) State and local agencies may apply for funds for trails under (a)(iii) of this subsection; and

(d) State and local agencies may apply for funds for water access sites under (a)(iv) of this subsection.

(3) This appropriation may not be used to transfer land from one state agency to another if that transfer will result in the transferred land being subject to payments for property tax or any consideration in lieu of property taxes.

(4) No local agency may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

(5) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(6) Moneys appropriated under this section may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter.

(7) Moneys appropriated under this section may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(8) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Community support;

(ii) Immediacy of threat to the site;

(iii) Uniqueness of the site;

(iv) Diversity of species using the site;

(v) Quality of the habitat;

(vi) Long-term viability of the site;

(vii) Presence of endangered, threatened, or sensitive species;

(viii) Enhancement of existing public property;

(ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and

(x) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

(9) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(10) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(11) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

(i) Community support;

(ii) Immediacy of threat to the site;

(iii) Linkage between communities;

(iv) Linkage between trails;

(v) Existing or potential usage;

(vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;

(vii) Availability of water access or views;

- (viii) Enhancement of wildlife habitat; and
- (ix) Scenic values of the site.
- (b) For water access proposals:
 - (i) Community support;
 - (ii) Distance from similar water access opportunities;
 - (iii) Immediacy of threat to the site;
 - (iv) Diversity of possible recreational uses; and
 - (v) Public demand in the area.

(12) The committee shall recommend to the governor a preliminary list of projects to be funded from this appropriation. The list shall include but not be limited to, a description of each project and shall describe any anticipated restrictions upon recreational activities for the project. After review and comment by the governor, the committee shall recommend a final list of projects for approval by the governor. If the governor removes a project from the list, the committee shall recommend a replacement for the removed project.

(13) Only projects on the final list approved by the governor under subsection (12) of this section may be funded from these appropriations.

| | | |
|---------------------------|----------------------|-----------------------|
| | Reappropriation | Appropriation |
| Habitat Conservation Acct | | 22,500,000 |
| ORA | | 22,500,000 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> |
| | | <u>Total</u> |
| | | 45,000,000 |

NEW SECTION, Sec. 321. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

North Creek Regional Park

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for a grant for the acquisition and development of a regional park in Snohomish County.

(2) No entity may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

| | | |
|---------------------|----------------------|-----------------------|
| | Reappropriation | Appropriation |
| St Bldg Constr Acct | | 442,000 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> |
| | | <u>Total</u> |
| | | 442,000 |

PART 4
EDUCATION

Sec. 401. Section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1989 (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.

(2) \$~~(66,136,000)~~ 93,028,000 is provided solely for modernization projects previously approved by the state board of education.

(3) The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in ~~(additional)~~ state bonds authorized by chapter 14, Laws of 1989 1st ex. sess. Of the proceeds of bonds authorized by chapter 14, Laws of 1989 1st ex. sess., \$8,000,000, or as much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.

(4) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:

(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;

(b) The infrequency of cooperative use of surplus space available in neighboring districts;

(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;

(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization;

(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts;

(f) The potential of district boundary changes for the purpose of achieving more efficient use of facilities; and

(g) The potential of the state to recover its share of the value of sold school buildings that were built with state matching moneys.

Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.

(5) \$11,748,039 is provided solely for vocational-technical institute projects previously approved by the state board of education.

| | | | |
|---------------------------|-----------------------|-----------------|----------------------------|
| Common School Constr Fund | | Reappropriation | Appropriation |
| | | | ((252,097,000)) |
| | | | 361,165,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | | <u>Total</u> |
| | | | ((252,097,000)) |
| | | | 361,165,000 |

Sec. 402. Section 710, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

The appropriations in sections 701 through 709, chapter 12, Laws of 1989 1st ex. sess. as amended by this 1990 act are subject to the following conditions and limitations: A maximum of ~~\$(254,900,000))~~ 367,540,000 from the total of these appropriations may be disbursed during the 1989-91 biennium.

Sec. 403. Section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

~~((Wheelchair lifts))~~ Outside elevators—Clark Hall, vocational, Northrup School (90-2-003)

| | | | |
|----------------------|-----------------------|-----------------|------------------------|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | | | ((147,100)) |
| | | | 297,100 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | | <u>Total</u> |
| | | | ((147,100)) |
| | | | 297,100 |

NEW SECTION. Sec. 404. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

K-wing addition (90-1-001)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts.

| | | | |
|-----------------------|-----------------------|-----------------|---------------|
| Higher Ed Constr Acct | | Reappropriation | Appropriation |
| | | | 45,000,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | | <u>Total</u> |
| | | | 45,000,000 |

NEW SECTION. Sec. 405. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Physics building site prep

| | | | |
|----------------------|-----------------------|-----------------|---------------|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | | | 3,623,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | | <u>Total</u> |
| | | | 3,623,000 |

NEW SECTION. Sec. 406. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Washington Higher Education Telecommunications System (WHETS)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,755,000 is provided solely to convert one of two analog channels to digital.

(2) \$94,000 is provided solely to equip one new WHETS classroom at the Southwest Washington branch campus.

(3) \$112,000 is provided solely for equipment necessary to offer nursing classes on the system.

| | | | |
|----------------------|-----------------------|-----------------|---------------|
| WSU Bldg Acct | | Reappropriation | Appropriation |
| | | | 2,961,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | | <u>Total</u> |
| | | | 2,961,000 |

NEW SECTION. Sec. 407. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Seventh Street replacement (90-3-001)

| | | | |
|----------------------|---------------------|----------------------|------------------|
| EWU Capital Projects | | Reappropriation | Appropriation |
| | <u>Prior Bienna</u> | <u>Future Bienna</u> | 338,000 |
| | | | Total 338,000 |

NEW SECTION, Sec. 408. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
Minor works—Facilities renewal (90-3-002)

| | | | |
|----------------------|---------------------|----------------------|--------------------|
| EWU Capital Projects | | Reappropriation | Appropriation |
| | <u>Prior Bienna</u> | <u>Future Bienna</u> | 1,167,000 |
| | | | Total 1,167,000 |

Sec. 409. Section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Life safety—Code compliance (88-1-001)

| | | | |
|---------------------|---------------------|----------------------|---|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | <u>Prior Bienna</u> | <u>Future Bienna</u> | 172,000 |
| | 1,012,000 | | ((819,000)) 1,175,000 Total ((2,003,000)) 2,359,000 |

Sec. 410. Section 805, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Failed systems (90-2-001)

| | | | |
|---------------------|---------------------|----------------------|--|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | <u>Prior Bienna</u> | <u>Future Bienna</u> | ((544,070)) 769,000 |
| | | | Total ((544,070)) 769,000 |

Sec. 411. Section 812, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY
Minor works request/small repairs and improvements (90-1-004)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$486,000 may be used to acquire property identified in the campus master plan.

| | | | |
|-------------------|---------------------|----------------------|---------------------|
| WWU Cap Proj Acct | | Reappropriation | Appropriation |
| | <u>Prior Bienna</u> | <u>Future Bienna</u> | 3,900,000 |
| | 8,948,481 | 12,000,000 | Total 27,351,481 |

NEW SECTION, Sec. 412. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE LIBRARY
Library for the Blind and Physically Handicapped planning costs

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature.

| | | | |
|--------------------|---------------------|----------------------|-----------------|
| General Fund—State | | Reappropriation | Appropriation |
| | <u>Prior Bienna</u> | <u>Future Bienna</u> | 75,000 |
| | | | Total 75,000 |

PART 5
MISCELLANEOUS

NEW SECTION, Sec. 501. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

(1) The department of ecology may enter into a financing contract in the principal amount of \$53,000,000 plus financing costs and required reserves pursuant to chapter 39.94 RCW for the purpose of acquiring the site, designing, and constructing a Thurston county headquarters for the department.

(2) The Evergreen State College may enter into a financing contract in the principal amount of \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purpose of expanding the college activities building. Payments under the contract shall be made from student activity fees.

(3) Spokane Community College may enter into a financing contract in the principal amount of \$75,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purpose of converting an existing lease of a central storage facility for the college.

(4) Spokane Community College may enter into a financing contract in the principal amount of \$161,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purpose of converting an existing lease of a hangar at Fells field which houses a portion of an aircraft mechanics vocational training program.

NEW SECTION, Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 503. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "authorizing certain projects; amending section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 138, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 142, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 218, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 203, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 209, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 320, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 357, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 396, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 510, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 519, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 394, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 710, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 805, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 812, chapter 12, Laws of 1989 1st ex. sess. (uncodified); and amending section 903, chapter 12, Laws of 1989 1st ex. sess. (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6417 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6417 and the House amendments thereto: Senators Sellar, Warnke, and Bluechel.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 4:14 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, March 5, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 5, 1990
The Senate was called to order at 9:00 a.m. by President Pritchard.

MOTION

At 9:00 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:05 a.m. by President Pritchard.

The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, DeJarnatt and Johnson. On motion of Senator Bender, Senator DeJarnatt was excused. On motion of Senator Anderson, Senators Amondson and Johnson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Mark Mazzola and Jeremy Norris, presented the Colors. President Pritchard offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

February 21, 1990

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Mr. Golob:

Enclosed is a Report to the Legislature regarding Federal Court-Ordered Expenditures for Calendar Year 1989 as required by RCW 43.88.065.

This RCW requires each agency to report annually to the Legislature any expenditures mandated by any federal court. Such court-ordered expenditures are to be itemized and submitted to the Secretary of the Senate and the Chief Clerk of the House by January 15 of each year. Upon receipt of this information, the statutes indicate that the Legislature will review the expenditures "with a view to determine whether the program affected by the court order should be continued or eliminated and the funds for the program either appropriated or not appropriated accordingly."

The enclosed report, prepared by the Office of the Attorney General, constitutes the department's response to this legislative requirement.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
 TRANSPORTATION COMMISSION
 Transportation Building
 Olympia, Washington 98504

February 28, 1990

The Honorable Pat Patterson, Chair
 Senate Transportation Committee
 411 Legislative Building
 Olympia, Washington 98504

The Honorable Ruth Fisher, Chair
 House Transportation Committee
 309 John L. O'Brien Building
 Olympia, Washington 98504

Dear Senator Patterson and Representative Fisher:

The Washington State Transportation Commission adopted the '1990 Report to the Washington State Legislature: Transportation Policy Plan for Washington State' as required by RCW 47.01.071 (3). Enclosed is the adoptive Resolution and the report.

This report is the first developed from a new policy planning process aimed at addressing statewide transportation concerns. Some recommendations require legislative consideration and are described in the 'Preliminary Implementation Plan,' contained in the report.

The process used to develop the report's recommendations involved a 35-member State Transportation Policy Steering Committee comprised of many Washington citizens, including representatives of the Legislature and Transportation Commission; numerous subcommittees, 13 regional public forums and a statewide survey to gauge public opinion. This broad based representation and extensive public participation has produced information which is important in considering our state's transportation future.

The process is an ongoing effort, and will continue to involve many individuals in identifying statewide transportation issues and developing future policy recommendations. This approach has proven extremely beneficial and we look forward to your continued participation.

A presentation of the report is scheduled for March 5, 1990, at 1:30 p.m. in the John L. O'Brien Building, Hearing Room B.

Sincerely,
 RICHARD ODABASHIAN
 Chairman

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

March 3, 1990

Mr. President:

The House has concurred in the Senate amendment(s) to the following House Bills and has passed said bills as amended by the Senate:

HOUSE BILL NO. 1323,
 REENGROSSED HOUSE BILL NO. 1724,
 SUBSTITUTE HOUSE BILL NO. 1824,
 HOUSE BILL NO. 2272,
 HOUSE BILL NO. 2290,
 SUBSTITUTE HOUSE BILL NO. 2336,
 SUBSTITUTE HOUSE BILL NO. 2342,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2375,
 HOUSE BILL NO. 2503,
 HOUSE BILL NO. 2546,
 SUBSTITUTE HOUSE BILL NO. 2576,
 SUBSTITUTE HOUSE BILL NO. 2609,

SUBSTITUTE HOUSE BILL NO. 2644,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706,
 ENGROSSED HOUSE BILL NO. 2716,
 HOUSE BILL NO. 2746,
 SUBSTITUTE HOUSE BILL NO. 2752,
 HOUSE BILL NO. 2761,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2809,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2831,
 SUBSTITUTE HOUSE BILL NO. 2861,
 HOUSE BILL NO. 2901,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2940,
 HOUSE BILL NO. 2959,
 HOUSE BILL NO. 2989,
 SUBSTITUTE HOUSE BILL NO. 3007.

ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The House grants the request of the Senate for a conference on SENATE BILL NO. 6408. The Speaker has appointed the following members as conferees: Representatives R. Fisher, Cooper and Schmidt.

ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 6904. The Speaker has appointed the following members as conferees: Representatives Haugen, Braddock and Horn.

ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6417. The Speaker has appointed the following members as conferees: Representatives H. Summers, Rasmussen and Schoon.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 5487,
 THIRD SUBSTITUTE SENATE BILL NO. 5550,
 SENATE BILL NO. 5712,
 SECOND SUBSTITUTE SENATE BILL NO. 5835,
 SECOND SUBSTITUTE SENATE BILL NO. 5845,
 SECOND SUBSTITUTE SENATE BILL NO. 5996,
 SENATE BILL NO. 6172,
 SUBSTITUTE SENATE BILL NO. 6191,
 SUBSTITUTE SENATE BILL NO. 6290,
 SUBSTITUTE SENATE BILL NO. 6358,
 SUBSTITUTE SENATE BILL NO. 6377,
 SUBSTITUTE SENATE BILL NO. 6447,
 SUBSTITUTE SENATE BILL NO. 6452,
 SENATE BILL NO. 6464,
 SUBSTITUTE SENATE BILL NO. 6473,
 SENATE BILL NO. 6562.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5450 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 379, Laws of 1985 and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, and has declared his or her intention of becoming a citizen of the United States of America: PROVIDED FURTHER, That after a one year probationary period the superintendent of public instruction, at the request of the school district which employed such teacher on a permit, may grant to an alien whose qualifications have been approved by the state board of education a standard certificate to teach in the common schools of this state: PROVIDED FURTHER, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit to teach foreign language for a period to be defined by the superintendent of public instruction or a one-year temporary permit which is renewable (~~only once for no more than one year~~) to teach as an exchange teacher in the common schools of this state.

Before such alien shall be granted a temporary permit he or she shall be required to subscribe to an oath or affirmation in writing as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years. Such permits shall at all times be subject to revocation by the superintendent of public instruction."

On page 1, line 1 of the title, after "languages;" strike the remainder of the title and insert "and amending RCW 28A.67.020."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5450 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5450 and the House amendments thereto: Senators Bailey, Talmadge and Lee.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6764 with the following amendments:

On page 1, line 13 after "program" insert "by providing grants, with funds appropriated for that purpose, to local libraries to develop and implement learn-in-library programs that provide after school programs for children."

On page 1, at line 14 strike all of subsection (2) and insert:

"(2) Acceptable programs shall provide services for school-age children who would otherwise be unsupervised. The proposed programs shall be described in the grant applications and shall include provision for the following:

(a) Participation of volunteers in the design of the program; and

(b) Use of volunteers, especially older volunteers, and other community volunteer resources to provide direct services to children; and

(c) Strategies to increase literacy, improve reading skills, encourage reading, and provide homework assistance.

(3) The state library commission shall give high priority to innovative models for providing services.

(4) The state library commission shall not award any single grant that exceeds twenty-five thousand dollars"

Remember the following subsection consecutively.

On page 1, at line 26 insert:

"NEW SECTION, Sec. 3. The state library commission shall use no more than ten percent of appropriated dollars up to the maximum of fifty thousand dollars for administration of the grant approval process."

Renumber the following sections consecutively..

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendment on page 1, line 26, to Substitute Senate Bill No. 6764.

MOTION

On motion of Senator Bailey, the Senate refuses to concur in the House amendments on page 1, lines 13 and 14, to Substitute Senate Bill No. 6764, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5516 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 79.01 RCW to read as follows:

(1) Every five years the department of social and health services and other state agencies that operate institutions shall conduct an inventory of all real property subject to the charitable, educational, penal, and reform institution trust account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled. The inventory shall identify which of those real properties are not needed for state-provided residential care, custody, or treatment. By December 1, 1992, and every five years thereafter the department shall report the results of the inventory to the house committee on capital facilities and financing, the senate committee on ways and means, and the legislative budget committee.

(2) Real property identified as not needed for state-provided residential care, custody, or treatment shall be transferred to the corpus of the charitable, educational, penal, and reform institution trust. This subsection shall not apply to real property acquired with conditions that conflict with this subsection.

(3) The department of natural resources shall manage the charitable, educational, penal, and reform institution trust account and, in consultation with the department of social and health services and the department of corrections, shall adopt a plan for the management of real property subject to the trust and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled.

(a) The plan shall be consistent with state trust land policies and shall be compatible with the needs of institutions adjacent to real property subject to the plan.

(b) The plan may be modified as necessary to ensure the quality of future management and to address the acquisition of additional real property.

NEW SECTION, Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

The department shall conduct an inventory of real properties as provided in section 1 of this act.

NEW SECTION, Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "trust;" strike the remainder of the title and insert "adding a new section to chapter 43.20A RCW; adding a new section to chapter 79.01 RCW; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Wojahn, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5516, and asks the House to recede therefrom.

There being no objection, the President advanced the Senate to the eight order of business.

MOTION

On motion of Senator Hansen, the following resolution was adopted:

SENATE RESOLUTION 1990-8735

by Senator Hansen

WHEREAS, The Quincy High School Girls' Select Choir will be the only girls' choir in the United States to compete in the prestigious "Youth and International Festival", sponsored by the Austrian Government and the city of Vienna; and

WHEREAS, The Quincy High School Girls' Select Choir will represent the Quincy Community, Washington State, and the United States in music competition against groups from the European Continent, Israel, Scandinavia, Japan, South Africa, South America, and other nations; and

WHEREAS, The girls have worked hard to prepare difficult selections that require them to sing in the languages of German, Latin, and French, as well as English; and

WHEREAS, The community of Quincy and the Girls' Choir have, without assistance from the state or any other governmental agency, raised nearly \$60,000 to finance the trip by baling 1,500 tons of straw, picking corn for ten weeks, and completing other unique projects; and

WHEREAS, Through the international language of music, the Quincy High School Girls' Select Choir will communicate to other nations the love of freedom, independence, and excellence that characterizes the American people; and

WHEREAS, The Quincy High School Jazz Choir "Spectrum" has won seven trophies at major college and high school jazz festivals in the past nineteen months, in each competition being the smallest high school, and, recently having triumphed over twenty-six larger high schools in vocal jazz competition;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate recognize the unique achievements of the Quincy High School vocal music program and the Quincy Community; and

BE IT FURTHER RESOLVED, That the Governor of the state of Washington does hereby declare April 21, 1990, "Quincy High School Music Day" in the state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Stu Hunt, director of the vocal music program at Quincy High School, members of the girls' select choir, and to the members of the jazz choir "Spectrum."

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 2299 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate insists on its position regarding the Senate amendments to Engrossed House Bill No. 2299 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to recede from the Senate amendments to Engrossed Substitute House Bill No. 2932 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2932 and the Senate amendments thereto: Senators Barr, Hansen and Newhouse.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Braddock, Vekich and Brooks.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2603 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2603 and the Senate amendments thereto: Senators Smith, Niemi and Amondson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 2888 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Spanel and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2888 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2888 and the Senate amendments thereto: Senators Nelson, Rinehart and Hayner.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 10:53 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:07 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5013 with the following amendments:

On page 1, after line 3 insert the following:

"NEW SECTION, Sec. 1. In a second class school district no more than two of the directors may reside within the boundaries of a director district if a second class school district maintains a system which allows members of the board of directors to be elected from a combination of three director districts and two director at-large districts."

Renumber the remaining sections consecutively and correct internal references.

On page 3, line 17 strike "~~(five)~~" and insert "five"

On page 3, line 25 after "districts" strike ", or" and insert "and no second class school district shall be divided into"

On page 4, line 21 after "petition" insert "from a second class school district"

On page 5, line 32 after "into" insert "five directors' districts in first class school districts and a choice of five directors' districts or"

On page 5, line 33 after "large" insert "in second class school districts"

On page 6, line 13 after "every" insert "first class"

On page 6, line 19 after "or" insert "for second class school districts into director districts or"

On page 1, line 1 of the title after "districts;" insert "creating a new section;".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Substitute Senate Bill No. 5013.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5013, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5013, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 45.

Absent: Senator Williams - 1.

Excused: Senators Amondson, DeJarnatt, Johnson - 3.

SUBSTITUTE SENATE BILL NO. 5013, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5169 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 163, Laws of 1981 as amended by section 37, chapter 75, Laws of 1987 and RCW 43.20B.635 are each amended to read as follows:

After service of a notice of debt for an overpayment as provided for in RCW 43.20B.630, stating the debt accrued, the secretary may issue to any person, firm, corporation, association, political subdivision, or department of the state, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state property which is

due, owing, or belonging to the debtor. The order to withhold and deliver shall state the amount of the debt, and shall state in summary the terms of this section, RCW ((7-33-200)) 6.27.150 and 6.27.160, chapters ((6-12)) 6.13 and ((6-16)) 6.15 RCW, 15 U.S.C. 1673, and other state or federal exemption laws applicable generally to debtors. The order to withhold and deliver shall be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. Any person, firm, corporation, association, political subdivision, or department of the state upon whom service has been made shall answer the order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein. The secretary may require further and additional answers to be completed by the person, firm, corporation, association, political subdivision, or department of the state. If any such person, firm, corporation, association, political subdivision, or department of the state possesses any property which may be subject to the claim of the department of social and health services, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall, after the twenty-day period, upon demand, be delivered forthwith to the secretary. The secretary shall hold the property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, association, political subdivision, or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. Delivery to the secretary, subject to the exemptions under RCW ((7-33-200)) 6.27.150 and 6.27.160, chapters ((6-12)) 6.13 and ((6-16)) 6.15 RCW, 15 U.S.C. 1673, and other state or federal law applicable generally to debtors, of the money or other property held or claimed satisfies the requirement of the order to withhold and deliver. Delivery to the secretary serves as full acquittance, and the state warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter. The state also warrants and represents that it shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter.

The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by certified mail a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for a hearing on any issue related to the collection. This requirement is not jurisdictional, but, if the copy is not mailed or served as provided in this section, or if any irregularity appears with respect to the mailing or service, the superior court, on its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.

Sec. 2. Section 74.09.180, chapter 26, Laws of 1959 as last amended by section 14, chapter 283, Laws of 1987 and RCW 74.09.180 are each amended to read as follows:

The provisions of this chapter shall not apply to recipients whose personal injuries are occasioned by negligence or wrong of another: PROVIDED, HOWEVER, That the secretary ((of the department of social and health services may, in his discretion,)) may furnish assistance, under the provisions of this chapter, for the results of injuries to or illness of a recipient, and the department ((of social and health services)) shall thereby be subrogated to the recipient's rights against the recovery had from any tortfeasor ((and/or his or her)) or the tortfeasor's insurer, or both, and shall have a lien thereupon to the extent of the value of the assistance furnished by the department ((of social and health services: PROVIDED FURTHER, That to the end of securing reimbursement of any assistance furnished to such a recipient, the department of social and health services may, as a nonexclusive legal remedy, assert and enforce a lien upon any claim, right of action, settlement proceeds, and/or money, including any claim for benefits arising from an insurance program, to which such recipient is entitled (a) against any tortfeasor and/or insurer of such tortfeasor, or (b) any contract of insurance, purchased by the recipient or any other person, providing coverage to such recipient for said injuries, any illness, dental costs, costs incident to birth, or any other coverage for purposes of or costs for which the department provides assistance or meets all or part of the cost of care to a vendor, to the extent of the assistance furnished by said department to the recipient. If a recovery shall be made and the subrogation or lien is satisfied either in full or in part as a result of an independent action initiated by or on behalf of a recipient to recover the personal injuries against any tortfeasor or insurer, then and in that event the amount repaid to the state of Washington as a result of said action, whether concluded by entry of a judgment or compromise and settlement, shall bear its proportionate share of attorney's fees and costs incurred by the injured recipient or his widow, children, or dependents, as the case may be, to the extent that such attorney's

~~fees and costs are approved by the court in which the action is initiated, and upon notice to the department which shall have the right to be heard on the matter)), To secure reimbursement for assistance provided under this section, the department may pursue its remedies under section 7 of this 1990 act.~~

Sec. 3. Section 9, chapter 173, Laws of 1969 ex. sess. as amended by section 341, chapter 141, Laws of 1979 and RCW 74.09.182 are each amended to read as follows:

The form of the lien in ~~((RCW 74.09.180))~~ section 7 of this 1990 act shall be substantially as follows:

STATEMENT OF LIEN

Notice is hereby given that the State of Washington, Department of Social and Health Services, has rendered assistance or provided residential care to a person who was injured on or about the day of in the county of state of and the said department hereby asserts a lien, to the extent provided in ~~((RCW 74.09.180))~~ section 7 of this 1990 act, for the amount of such assistance or residential care, upon any sum due and owing (name of injured person) from alleged to have caused the injury, and/or his or her insurer and from any other person or insurer liable for the injury or obligated to compensate the injured person on account of such injuries by contract or otherwise.

STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES
By: (Title)

STATE OF WASHINGTON }
COUNTY OF } ss.

I,, being first duly sworn, on oath state: That I am (title); that I have read the foregoing Statement of Lien, know the contents thereof, and believe the same to be true.

~~((Subscribed))~~ Signed and sworn to or affirmed before me this day of 19.. by

.....
(name of person making statement).

(Seal or stamp)

.....
Notary Public in and for the State of Washington ~~((residing at ..))~~
My appointment expires:

Sec. 4. Section 12, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.186 are each amended to read as follows:

(1) No settlement made by and between the recipient and tortfeasor and/or insurer shall discharge or otherwise compromise the lien created in ~~((RCW 74.09.180 against any money due or owing by such tortfeasor or insurer to the recipient or relieve the tortfeasor and/or insurer from liability by reason of such lien unless such settlement also provides for the payment and discharge of such lien or unless a written release or waiver of such claim or lien, signed by the department, be filed in the court where any action has been commenced on such claim, or in case no action has been commenced against the tortfeasor and/or insurer, then such written release or waiver shall be delivered to the tortfeasor or insurer))~~ section 7 of this 1990 act without the express written consent of the secretary. Discretion to compromise such liens rests solely with the secretary or the secretary's designee.

(2) No settlement or judgment shall be entered purporting to compromise the lien created by section 7 of this 1990 act without the express written consent of the secretary or the secretary's designee.

Sec. 5. Section 10, chapter 152, Laws of 1979 ex. sess. as amended by section 23, chapter 41, Laws of 1983 1st ex. sess. and RCW 74.09.290 are each amended to read as follows:

The secretary of the department of social and health services or his authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical and other services furnished pursuant to this chapter, except that the Washington state medical disciplinary board shall generally serve in an advisory capacity to the secretary in the conduct of audits or investigations of physicians. ~~(In the conduct of such audits or investigations, the secretary may examine only those records or portions thereof, including patient records, for which services were rendered by a health care provider and reimbursed by the department))~~ Any overpayment discovered as a result of an audit of a provider under this authority shall be offset by any underpayments discovered in that same audit sample. In order to determine the provider's actual, usual, customary, or prevailing charges, the secretary may examine such random representative records as necessary to show accounts billed and accounts received except that in the conduct of such examinations, patient names, other than public assistance applicants or recipients, shall not be noted, copied, or otherwise made available to the department. In order to verify costs incurred by the department for treatment of public assistance applicants or recipients, the secretary may examine patient records or portions thereof in connection with

services to such applicants or recipients rendered by a health care provider, notwithstanding the provisions of RCW 5.60.060, 18.53.200, 18.83.110, or any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health care provider, and that the disclosure of any records or information by the department of social and health services is prohibited and ~~((constitutes a violation of RCW 42-22-040))~~ shall be punishable as a class C felony according to chapter 9A.20 RCW, unless such disclosure is directly connected to the official purpose for which the records or information were obtained: PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationship between the provider and the patient, but no evidence resulting from such disclosure may be used in any civil, administrative, or criminal proceeding against the patient unless a waiver of the applicable evidentiary privilege is obtained: PROVIDED FURTHER, That the secretary shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation or proceedings:

(2) Approve or deny applications to participate as a provider of services furnished pursuant to this chapter;

(3) Terminate or suspend eligibility to participate as a provider of services furnished pursuant to this chapter; and

(4) Adopt, promulgate, amend, and rescind administrative rules and regulations, in accordance with the administrative procedure act, chapter 34.05 RCW, to carry out the policies and purposes of RCW 74.09.200 through 74.09.290.

Sec. 6, Section 1, chapter 264, Laws of 1988 (uncodified) is amended to read as follows:

(1) Persons receiving public assistance, particularly families, frequently have great difficulty obtaining adequate housing. The department of social and health services is directed to conduct a pilot program designed to show whether the supply of housing for persons on public assistance would increase if the department made rental payments directly to landlords.

(2) The department shall solicit not fewer than three nor more than seven local governing bodies for participation in the pilot program. In implementing this program the department shall:

(a) Provide a written statement notifying the recipient of public assistance that the landlord may not legally require direct payment from the department;

(b) Upon written request of the recipient, pay to the recipient's landlord as defined in RCW 59.18.030, through the local governing body, that portion that equals ninety percent of the monthly public assistance grant which is allocated for rent in the department's payment standard under RCW 74.04.770 or ninety percent of the rent, whichever is less. No direct payment shall be made for rent of premises with respect to which the landlord is not in compliance with RCW 59.18.060;

(c) Promptly terminate such payments to the landlord upon the recipient's written request, provided that the recipient gives written notice of termination of direct payments to the landlord and the local governing body;

(d) Enter into an agreement with the local governing bodies selected to participate in the pilot program for the direct payment of rent to landlords.

(3) The local governing bodies selected to participate in the pilot program shall:

(a) Administer the pilot program using existing housing assistance providers, where appropriate;

(b) Charge the landlord a monthly fee of two dollars to cover the cost of administering each direct payment made under this section, which fee shall not be charged to the tenant;

(c) Charge the landlord a fee, up to fifty dollars, to cover the cost of inspecting and certifying that the housing unit is in compliance with the housing quality standards used for the United States department of housing and urban development, section eight existing housing program.

(4) The landlords participating in the pilot program shall mail to the secretary and the local governing body, by certified mail, a copy of any notice served upon the tenant under RCW 59.12.030 or 59.18.200 which terminates the tenancy. The notice, when mailed to the secretary and the local governing body, shall constitute the landlord's request that the secretary and local governing body cease making direct payments of rent to the landlord.

(5) No recipient of public assistance shall be liable to the department of social and health services for any amount incorrectly paid to a landlord under this section. The department shall recover such overpayment from the landlord ~~((under RCW 74.04.700))~~.

(6) The department of social and health services shall adopt rules under chapter 34.05 RCW regarding the pilot program.

(7) The secretary may include in the department's annual report to the governor and the legislature a summary of the progress and status of the pilot program. The summary shall include but need not be limited to the results of the individual projects selected, the number of persons served, and recommendations for improving the program.

(8) The secretary shall immediately take such steps as are necessary to ensure that this section is implemented on its effective date. This section shall take effect July 1, 1988.

(9) This section shall terminate June 30, 1991, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 7. A new section is added to chapter 43.20B RCW to read as follows:

(1) To secure reimbursement of any assistance paid under chapter 74.09 RCW or reimbursement for any residential care provided by the department at a hospital for the mentally ill or habilitative care center for the developmentally disabled, as a result of injuries to or illness of a recipient caused by the negligence or wrong of another, the department shall be subrogated to the recipient's rights against a tortfeasor or the tortfeasor's insurer, or both.

(2) The department shall have a lien upon any recovery by or on behalf of the recipient from such tortfeasor or the tortfeasor's insurer, or both to the extent of the value of the assistance paid or residential care provided by the department, provided that such lien shall not be effective against recoveries subject to wrongful death when there are surviving dependents of the deceased. The lien shall become effective upon filing with the county auditor in the county where the assistance was authorized or where any action is brought against the tortfeasor or insurer. The lien may also be filed in any other county or served upon the recipient in the same manner as a civil summons if, in the department's discretion, such alternate filing or service is necessary to secure the department's interest. The additional lien shall be effective upon filing or service.

(3) The lien of the department shall be upon any claim, right of action, settlement proceeds, money, or benefits arising from an insurance program to which the recipient might be entitled (a) against the tortfeasor or insurer of the tortfeasor, or both, and (b) under any contract of insurance purchased by the recipient or by any other person providing coverage for the illness or injuries for which the assistance or residential care is paid or provided by the department.

(4) If recovery is made by the department under this section and the subrogation is fully or partially satisfied through an action brought by or on behalf of the recipient, the amount paid to the department shall bear its proportionate share of attorneys' fees and costs. The determination of the proportionate share to be borne by the department shall be based upon:

(a) The fees and costs approved by the court in which the action was initiated; or

(b) The written agreement between the attorney and client which establishes fees and costs when fees and costs are not addressed by the court.

(c) When fees and costs have been approved by a court, after notice to the department, the department shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share.

(d) When fees and costs have not been addressed by the court, the department shall receive at the time of settlement a copy of the written agreement between the attorney and client which establishes fees and costs and may request and examine documentation of fees and costs associated with the case. The department may bring an action in superior court to void a settlement if it believes the attorneys' calculation of its proportionate share of fees and costs is inconsistent with the written agreement between the attorney and client which establishes fees and costs or if the fees and costs associated with the case are exorbitant in relation to cases of a similar nature.

NEW SECTION. Sec. 8. A new section is added to chapter 43.20B RCW to read as follows:

An attorney representing a person who, as a result of injuries or illness sustained through the negligence or wrong of another, has received, is receiving, or has applied to receive assistance under chapter 74.09 RCW, or residential care provided by the department at a hospital for the mentally ill or habilitative care center for the developmentally disabled, shall:

(1) Notify the department at the time of filing any claim against a third party, commencing an action at law, negotiating a settlement, or accepting a settlement offer from the tortfeasor or the tortfeasor's insurer, or both; and

(2) Give the department thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or recipient to recover damages for such injuries or illness.

NEW SECTION. Sec. 9. RCW 43.20A.440 is recodified as RCW 43.20B.687.

NEW SECTION. Sec. 10. RCW 74.09.182 and 74.09.186 are recodified as sections in chapter 43.20B RCW.

NEW SECTION. Sec. 11. RCW 74.09.750 is recodified as RCW 43.20B.130.

NEW SECTION. Sec. 12. Section 10, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.184 are each repealed.

NEW SECTION. Sec. 13. Sections 2, 4, 7(1), and 8(2) of this act apply to all existing claims against third parties for which settlements have not been reached or judgments entered by the effective date of this section."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.20B.635, 74.09.180, 74.09.182, 74.09.186, and 74.09.290; amending section 1, chapter 264, Laws of 1988 (uncodified); adding new sections to chapter 43.20B RCW; creating a new section; recodifying RCW 43.20A.440, 74.09.182, 74.09.186, and 74.09.750; and repealing RCW 74.09.184."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5169.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5169, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5169, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Amondson, DeJarnatt, Johnson - 3.

ENGROSSED SENATE BILL NO. 5169, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6767 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** In 1977, the legislature created an innovative and comprehensive juvenile system to establish special sanctions and procedures for juveniles who engage in criminal activity, while at the same time recognizing the existence and unique needs of dependent children and families in conflict. During the past thirteen years, the legislature has amended the juvenile justice act numerous times to improve its effectiveness in providing punishment and rehabilitation for juveniles who commit criminal acts, and also to improve the procedures and programs for assisting dependent children and families in conflict. While such amendments have generally improved the operation of the juvenile justice system, often the amendments did not address the juvenile justice system in a comprehensive manner to provide accountability, treatment, and rehabilitation.

The legislature finds and declares that it has been thirteen years since the enactment of the juvenile justice act, and it is appropriate and timely that a comprehensive study be conducted to review the sanctions, programs, and operation of the act in light of the changing needs of juveniles and society. The legislature finds that a commission should be created consisting of persons with experience and expertise in juvenile justice issues to ensure that the state of Washington continues to have a progressive and effective juvenile justice statute.

NEW SECTION, Sec. 2. (1) A juvenile justice act review commission is created. It shall consist of:

(a) Four legislators who shall serve on the executive committee, one from each of the two largest caucuses in the house of representatives and the senate. The members shall be selected by the president of the senate and the speaker of the house of representatives;

(b) One superior court judge, who shall have experience in juvenile court proceedings. The member shall be selected by the Washington state superior court judges association;

(c) One prosecuting attorney, or his or her designee, selected by the Washington association of prosecuting attorneys;

(d) Two members, selected by the executive committee, one of whom shall represent cities and one of whom shall represent counties;

(e) One member, selected by the secretary of corrections, to represent the department of corrections, who shall be familiar with confinement and treatment of criminal offenders;

(f) One member, selected by the secretary of social and health services, to represent the department of social and health services, who has experience and training with the confinement and treatment services offered by the division of juvenile rehabilitation;

(g) One juvenile court administrator, selected by the juvenile court administrators' association;

(h) One mental health specialist, selected by the executive committee, who shall be familiar with mental health issues commonly affecting juvenile offenders;

(i) Two attorneys, selected by the Washington state bar association. At least one member shall be an attorney who represents a public defender organization;

(j) Two members, selected by the governor, to represent the governor, who shall serve on the executive committee;

(k) One member appointed by the governor's juvenile justice advisory committee;

(l) One member appointed by the attorney general;

(m) One member who currently serves as a sheriff, appointed by the executive committee;

(n) One member who currently serves as a police chief, appointed by the executive committee;

(o) Three citizen members appointed by the executive committee;

(p) Two members representing private youth serving agencies appointed by the alliance for children, youth, and families; and

(q) Three members representing parents' groups.

(2) The legislative members shall select a chair from the membership of the commission.

(3) The commission shall be staffed by the department of social and health services.

(4) The commission members shall receive no compensation, but shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

(5) The commission may receive appropriations, grants, gifts, and other payments from any governmental or other public or private entity or person and such funds may be used to defray the costs of its operations or to contract for technical services, with the approval of the senate committee on facilities and operations and the house of representatives executive rules committee.

NEW SECTION. Sec. 3. (1) The juvenile justice act review commission shall conduct a comprehensive review of the juvenile justice act of 1977, chapter 13.32A RCW, and dependency provisions in chapter 13.34 RCW. In reviewing services for juvenile offenders, the commission shall give particular attention to disposition alternatives, including but not limited to emphasis on early intervention, rehabilitation, community resources, and providing for special sanctions and programs for violent offenders who are sixteen and seventeen years of age. The commission shall review the existing system of services for runaway youth and families in conflict and shall assess the adequacy of existing resources and statutory procedures in place for serving this population.

(2) The legislature hereby reaffirms its intent that the overall goals and policies of the juvenile justice act of 1977 will continue to be followed and that any disposition alternatives or dependency provisions proposed by the commission will adhere to the following purposes:

(a) Protect the citizenry from criminal behavior;

(b) Make the juvenile offender accountable for his or her criminal behavior;

(c) Provide punishment commensurate with the age, maturity level, crime, criminal history of the juvenile offender, and any other relevant considerations;

(d) Provide necessary treatment, supervision, and custody for juvenile offenders;

(e) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

(f) Provide for restitution to victims of crime; and

(g) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both.

NEW SECTION. Sec. 4. (1) The legislature finds that, despite the best efforts and intentions of the department of social and health services, some families in Washington state have unresolved disputes with the department relating to actions taken by the division of children and family services, and that there is no independent and nonadversarial process in place to resolve these disputes. The legislature further finds that the availability of an independent and nonadversarial process for complaint investigation and dispute resolution can further the goal of maintaining children in safe and healthy families.

(2) It is the purpose of this act to establish a procedure that is responsive to the needs of families in Washington state who are the subject of actions taken by the department of social and health services pursuant to chapters 74.13, 74.14A, 74.15, 26.44, 13.32A, and 13.34 RCW, that benefits children, their families, and the department by providing an independent and nonadversarial mechanism to resolve disputes.

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout sections 5 through 12 of this act.

(1) "Department" means the department of social and health services.

(2) "Administrative act" means any action, omission, decision, recommendation, practice, or procedure of the department relating to its activities according to chapters 74.13, 74.14A, 74.15, 26.44, 13.32A, and 13.34 RCW, but does not include the preparation, presentation, or introduction of legislation.

NEW SECTION. Sec. 6. (1) There is established in the department of community development the office of the children's services ombuds.

(2) The department of community development shall appoint the children's services ombuds, who shall be a person having training or experience in the provision or administration of services to children and families, and in complaint investigation or nonadversarial dispute resolution mechanisms. The ombuds shall not be removed from his or her office unless good cause for removal is shown.

NEW SECTION. Sec. 7. (1) The children's services ombuds shall investigate any complaint from any citizen relating to administrative acts by the department, regardless of whether the administrative act is final, when the complaint indicates that:

(a) The administrative act was not in accordance with legislative declarations relating to children and family services in RCW 74.13.010, 74.14A.010, 74.15.010, 26.44.010, 13.32A.010, and 13.34.020;

(b) The administrative act was not in accordance with the requirements of chapter 74.13, 74.14A, 74.15, 26.44, 13.32A, or 13.34 RCW;

(c) The administrative act may have been unreasonable, unfair, oppressive, or discriminatory, although in accordance with the legislative declarations of RCW 74.13.010, 74.14A.010, 74.15.010, 26.44.010, 13.32A.010, 13.34.020, and the requirements of chapters 74.13, 74.14A, 74.15, 26.44, 13.32A, and 13.34 RCW; or

(d) The administrative act was not in accordance with departmental rules, procedures, or guidelines.

Priority shall be given to complaints regarding decisions of the department to place a child in an out-of-home placement or maintain a child in the family home where allegations of abuse or neglect have been made.

(2) The office of the children's services ombuds shall maintain an accessible toll-free telephone line to receive complaints from throughout Washington regarding administrative acts of the department.

(3) The children's services ombuds shall act independently of the department in the performance of his or her duties.

NEW SECTION. Sec. 8. The children's services ombuds shall determine whether a complaint is or is not an appropriate subject for investigation under section 7 of this act, and shall inform the complainant of that decision, stating his or her reasons. If the ombuds decides that a complaint is an appropriate subject for investigation under section 7 of this act, he or she shall notify the department of his or her decision and the specifics of the complaint.

NEW SECTION. Sec. 9. In carrying out investigative or dispute resolution activities under sections 5 through 12 of this act and RCW 26.44.030, the children's services ombuds shall have the right:

(1) To communicate privately by mail or orally with a parent who is the subject of investigative or dispute resolution activities by the ombuds; and

(2) To have access, including the right to inspect, copy, and/or subpoena child welfare records held by the department, facilities where a child has been placed for care or treatment, the clerk of a superior court of the state of Washington, or law enforcement agencies. Unless otherwise authorized by law, the ombuds shall not have access to identifying information regarding a confidential informant of suspected child abuse or neglect or a police informant; mental health or substance abuse treatment information governed by federal confidentiality provisions; or information pertaining to the testing, diagnosis, or treatment of any person for HIV infection, AIDS, or any sexually transmitted disease. Information obtained pursuant to this subsection shall be kept confidential and shall not be further disseminated.

NEW SECTION. Sec. 10. If after investigation, the children's services ombuds finds that:

(1) A complaint should be further considered by the department;

(2) An administrative act should be modified or canceled; or

(3) Reasons or more complete reasons should be given for an administrative act;

The ombuds shall prepare recommendations and may request that the department notify him or her, within a specified time, of the action taken on his or her recommendations or may provide services to assist the complainant and the department in resolving the dispute that led to the complaint, provided that the complainant requests such services.

NEW SECTION. Sec. 11. After a reasonable time has elapsed, the children's services ombuds shall notify the complainant of any action taken by the ombuds and by the department as a result of the investigation.

NEW SECTION. Sec. 12. (1) The children's services ombuds shall maintain records indicating the final disposition of any complaint forwarded to the department.

(2) All records of the children's services ombuds pertaining to investigative or dispute resolution activities undertaken by the ombuds shall be confidential. Information contained in those records may not be disclosed publicly in a manner that may identify individuals. However, records shall be available to persons approved by a superior court of the state of Washington upon application for good cause. Any information obtained pursuant to section 9(2) of this act shall be kept confidential and shall not be further disseminated except as specifically authorized or required by federal or state law.

Sec. 13. Section 1, chapter 22, Laws of 1989 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, children's services ombuds or duly designated representative of the ombuds, or ((juvenile)) probation or parole officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(3) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(5) Any county prosecutor or city attorney receiving a report under subsection (4) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(6) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(7) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(8) Persons or agencies exchanging information under subsection (6) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(9) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency

shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(10) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(11) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(12) The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool.

(13) Upon receipt of such report the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

NEW SECTION, Sec. 14. Section 6, chapter 35, Laws of 1969 ex. sess., section 1, chapter 46, Laws of 1972 ex. sess., section 7, chapter 217, Laws of 1975 1st ex. sess., section 29, chapter 80, Laws of 1977 ex. sess., section 4, chapter 164, Laws of 1981, section 6, chapter 97, Laws of 1984, section 3, chapter 269, Laws of 1986, section 6, chapter 206, Laws of 1987, section 12, chapter 524, Laws of 1987 and RCW 26.44.070 are each repealed.

NEW SECTION, Sec. 15. Sections 5 through 12 of this act are each added to chapter 43.09 RCW.

NEW SECTION, Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 17. Sections 4 through 15 of this act shall take effect July 1, 1990.

NEW SECTION, Sec. 18. Sections 1 through 3 of this act shall expire June 30, 1992."

On page 1, line 1 of the title, after "justice;" strike the remainder of the title and insert "amending RCW 26.44.030; adding new sections to chapter 43.09 RCW; creating new sections; repealing RCW 26.44.070; providing an effective date; and providing an expiration date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6767 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5300 with the following amendment:

On page 2, line 2 after "Hispanic Americans," strike "Native Americans" and insert "American Indians".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendment to Substitute Senate Bill No. 5300.

POINT OF INQUIRY

Senator Fleming: "Senator Lee, I was just wondering why they struck 'native American' and inserted 'American?'"

Senator Lee: "That is what I would like to know, but we decided that it wasn't worth holding the bill up over that question."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5300, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5300, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Owen - 1.

Excused: Senators Amondson, DeJarnatt, Johnson - 3.

SUBSTITUTE SENATE BILL NO. 5300, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6195 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 16.52 RCW to read as follows:

(1) Any person who uses domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.

(2) Any person who violates the provisions of subsection (1) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.

(3) Any person who captures by trap a domestic dog or cat to be used as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.

(4) Any person who violates the provisions of subsection (3) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.

(5) If a person violates this section, law enforcement authorities shall seize and hold the animals being trained. Such animals shall be disposed of by the court pursuant to the provisions of RCW 16.52.200(3).

(6) This section shall not in any way interfere with or impair the operation of any provision of Title 28B RCW, relating to higher education or biomedical research."

On page 1, line 1 of the title, after "animals," strike the remainder of the title and insert "adding a new section to chapter 16.52 RCW; and prescribing penalties."

and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 6195.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6195, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6195, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Amondson, DeJarnatt, Johnson - 3.

SUBSTITUTE SENATE BILL NO. 6195, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6221 with the following amendments:

On page 2, beginning on line 29 strike all of NEW SECTION. Sec. 4

Re-number the remaining sections consecutively and correct internal references accordingly.

On page 3, line 19 after "of" strike "the Washington state high school and beyond assessment program including".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Substitute Senate Bill No. 6221.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6221, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6221, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Fleming, Gaspard, Hansen, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 37.

Voting nay: Senators Anderson, Barr, Cantu, Craswell, Hayner, Nelson, Newhouse, Patterson, Stratton - 9.

Excused: Senators Amondson, DeJarnatt, Johnson - 3.

SUBSTITUTE SENATE BILL NO. 6221, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SENATE BILL NO. 6304 with the following amendment:

On page 1, beginning on line 16 after "faculty" strike all material through "employees" on page 1, line 17.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Saling, the Senate concurred in the House amendment to Senate Bill No. 6304.

POINT OF INQUIRY

Senator Bauer: "Senator Saling, is it your understanding of the House amendment to Senate Bill No. 6304 that the intent of the Senate remains to keep complete and accurate sick leave records for all teaching and research faculty?"

Senator Saling: "Yes, Senator Bauer, I have been assured by the chair of the House Higher Education Committee that the intent has not been altered. The state and regional universities and The Evergreen State College shall maintain complete and accurate records for all teaching and research faculty. The intent is that a record, perhaps monthly, be turned into a central location on campus, which states the amount of sick leave used by the reporting individuals during the preceding

month. In that way, an institution will have a record regarding sick leave actually used by their employees."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6304, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6304, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Amondson, DeJarnatt, Johnson - 3.

SENATE BILL NO. 6304, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6330 with the following amendment:

On page 3, line 21, after "person" insert "if not a bank, trust company, mutual savings bank, credit union, or savings and loan association organized under the laws of the United States or of any one of the United States".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6330.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6330, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6330, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Bender, Hansen - 2.

Excused: Senators Amondson, DeJarnatt, Johnson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6330, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed SENATE BILL NO. 6370 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 35.62 RCW to read as follows:

The question of whether the name of a city or town shall be changed shall be presented to the voters of the city or town upon either: (1) The adoption of a resolution by the city or town council proposing a specific name change; or (2) the submission of a petition proposing a specific name change that has been signed by voters of the city or town equal in number to at least ten percent of the total number of voters of the city or town who voted at the last municipal general election. However, for any newly incorporated city or town that has not had city

officials elected at a normal general municipal election, the election that is used as the base for determining the number of required signatures shall be the election at which the initial elected officials were elected.

The election on changing the name of the city or town shall be held at the next general election occurring sixty or more days after the resolution was adopted, or the resolution was submitted that has been certified by the county auditor as having sufficient valid signatures.

NEW SECTION, Sec. 2. A new section is added to chapter 35.62 RCW to read as follows:

Where only one new name has been proposed by petition or resolution such question shall be in substantially the following form:

"Shall the name of the city (or town) of (insert name) be changed to the city (or town) of (insert the proposed new name) ?

Yes
No "

If a majority of the votes cast favor the name change, the city or town shall have its name changed effective thirty days after the certification of the election results.

NEW SECTION, Sec. 3. A new section is added to chapter 35.62 RCW to read as follows:

Where more than one name is proposed by either petition or resolution, the question shall be separated into two separate parts and shall be in substantially the following form:

"Shall the name of the city (or town) of (insert name) be changed?

Yes
No "

"If a name change is approved, which of the following should be the new name?"

 (insert name)
 (insert name)
Vote for one."

Voters may select a name change whether or not they vote in favor of changing the name of the city or town. If a majority of the votes cast on the first proposition favor changing the name, the name that receives at least a majority of the total number of votes cast for an alternative name shall become the new name of the city or town effective thirty days after the certification of the election results.

If no alternative name receives a simple majority vote, then an election shall be held at the next November special election date, at which voters shall be given the option of choosing which of the two alternative names that received the most votes shall become the new name of the city or town. This ballot proposition shall be worded substantially as follows:

"Which of the following names shall become the new name of the city (or town) of (insert name) ?

 (insert name)
 (insert name)
Vote for one."

The name that receives the majority vote shall become the new name of the city or town effective thirty days after the certification of the election results.

NEW SECTION, Sec. 4. The following acts or parts of acts are each repealed:

- (1) Section 35.62.020, chapter 7, Laws of 1965 and RCW 35.62.020;
- (2) Section 35.62.030, chapter 7, Laws of 1965 and RCW 35.62.030;
- (3) Section 35.62.040, chapter 7, Laws of 1965 and RCW 35.62.040; and
- (4) Section 35.62.050, chapter 7, Laws of 1965 and RCW 35.62.050."

On page 1, line 1 of the title, after "changes;" strike the remainder of the title and insert "adding new sections to chapter 35.62 RCW; and repealing RCW 35.62.020, 35.62.030, 35.62.040, and 35.62.050."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Senate Bill No. 6370.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6370, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6370, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Hansen - 1.

Excused: Senators Amondson, DeJarnatt, Johnson - 3.

SENATE BILL NO. 6370, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bauer, Senator Hansen was excused.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SENATE BILL NO. 6559 with the following amendments:

On page 1, after line 23, insert the following:

"Sec. 2. Section 1, chapter 209, Laws of 1975, 1st ex. sess. as amended by section 1, chapter 11, Laws of 1982 and RCW 43.51.290 are each amended to read as follows:

In addition to its other powers, duties, and functions the state parks and recreation commission may:

(1) Plan, construct, and maintain suitable facilities for winter recreational activities on lands administered or acquired by the commission or as authorized on lands administered by other public agencies or private landowners by agreement;

(2) Provide and issue upon payment of the proper fee, with the assistance of such authorized agents as may be necessary for the convenience of the public, a permit to park in designated winter recreational area parking spaces;

(3) Administer the snow removal operations for all designated winter recreational area parking spaces; and

(4) Compile, publish, and distribute maps indicating such parking spaces, adjacent trails, and areas and facilities suitable for winter recreational activities.

The commission may contract with any public or private agency for the actual conduct of such duties, but shall remain responsible for the proper administration thereof. The commission is not liable for unintentional injuries to users of lands administered for winter recreation purposes under this section or under RCW 46.10.210, whether the lands are administered by the commission, by other public agencies, or by private landowners through agreement with the commission. Nothing in this section prevents the liability of the commission for injuries sustained by a user by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted. A road covered with snow and groomed for the purposes of winter recreation consistent with this chapter and chapter 46.10 RCW shall not be presumed to be a known dangerous artificial latent condition for the purposes of this chapter.

Sec. 3. Section 8, chapter 327, Laws of 1959 and RCW 70.88.080 are each amended to read as follows:

Inspections, rules, and orders of the ~~((department))~~ state parks and recreation commission resulting from the exercise of the provisions of this chapter, as well as under RCW 70.88.020, shall not in any manner be deemed to impose liability upon the state for any injury or damage resulting from the operation of the facilities regulated by this chapter, and all actions of the ~~((department))~~ state parks and recreation commission and its personnel shall be deemed to be an exercise of the police power of the state."

On page 1, line 3 of the title, after "RCW 70.88.070" insert ", 43.51.290, and 70.88.080".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate refuses to concur in the House amendments to Senate Bill No. 6559 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6559 and the House amendments thereto: Senators Metcalf, Kroidler and Bluechel.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SENATE BILL NO. 6399 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 9, chapter 435, Laws of 1987 and RCW 26.23.080 are each amended to read as follows:

~~(No employer shall discipline or discharge an employee or refuse to hire a person by reason of an action authorized in this chapter. If an employer disciplines or discharges an employee or refuses to hire a person in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation.)~~ (1) The legislature finds that most employers are supportive of the state's efforts to collect child support payments and are willing to assist the state in the collection of these payments as required by RCW 26.23.060. The legislature further finds that employers serve the public interest by employing persons who are attempting to comply with the ordered payment of child support in fulfillment of the provisions of RCW 26.23.060 and by helping with the collection of those obligations. It is the legislature's intent that employers be encouraged to hire and retain such persons, and that the office of support enforcement cooperate with and provide assistance to employers who wish to hire and retain such persons and who wish to help with such collection.

(2) It is unlawful for an employer to discipline or discharge an employee or refuse to employ any individual because of the existence of a withholding obligation under RCW 26.23.060. If an employer violates the provisions of this section, an employee may bring a civil action for the recovery of lost wages and other damages suffered as a result of the violation and for costs and reasonable attorneys' fees. The court may fine the employer for a violation of this section in an amount not to exceed two hundred fifty dollars. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

Sec. 2. Section 10, chapter 435, Laws of 1987 and RCW 26.23.090 are each amended to read as follows:

(1) The employer shall be liable to the Washington state support registry for one hundred percent of the amount of the support debt, or the amount of support moneys which should have been withheld from the employee's earnings, whichever is the lesser amount, if the employer:

(a) Fails or refuses, after being served with a notice of payroll deduction, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice: ((or))

(b) Fails or refuses to submit an answer to the notice of payroll deduction after being served; or

(c) Is unwilling to comply with the other requirements of RCW 26.23.060.

(2) Liability may be established in superior court or may be established pursuant to RCW 74.20A.270. Awards in superior court and in actions pursuant to RCW 74.20A.270 shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorney fees and staff costs as a part of the award. Debts established pursuant to this section may be collected pursuant to chapter 74.20A RCW utilizing any of the remedies contained in that chapter.

On page 1, line 2 of the title, after "enforcement," strike the remainder of the title and insert "amending RCW 26.23.080 and 26.23.090; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Senate Bill No. 6399.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6399, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6399, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Hansen, Johnson - 3.

SENATE BILL NO. 6399, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6474 with the following amendments:

On page 2, beginning on line 2 after "42.30.080." strike all material down to and including "meeting." on line 6 and insert "Nothing in this section shall be construed to prevent the governing body of the public corporation, commission, or authority from holding an executive session during a regular or special meeting in accordance with RCW 42.30.110(1)(c). In addition, the public corporation, commission, or authority shall advertise notice of the meeting in a local newspaper of general circulation at least twice no less than seven days and no more than two weeks before the public meeting."

On page 2, line 17 after "chapter" strike "they" and insert "and the public market is managed in whole or in part by a public corporation created by a city, the words"

On page 5, line 24 after "chapter" strike "they" and insert "and the public market is managed in whole or in part by a public corporation created by a city, the words"

On page 8, line 35 after "chapter" strike "they" and insert "and the public market is managed in whole or in part by a public corporation created by a city, the words".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator von Reichbauer moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6474.

POINT OF INQUIRY

Nelson: "Senator von Reichbauer, I notice that the public corporation has to advertise the notice of meetings in a local newspaper of general circulation at least twice. Does the public corporation use the same legal newspaper of circulation as does the city or county in which the corporation is located?"

Senator von Reichbauer: "Yes."

The President declared the question before the Senate to be the motion by Senator von Reichbauer that the Senate do concur in the House amendments to Substitute Senate Bill No. 6474.

The motion by Senator von Reichbauer carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6474.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6474, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6474, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Fleming, Gaspard, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 37.

Voting nay: Senators Barr, Cantu, Craswell, Hayner, Metcalf, Newhouse, Patterson - 7.

Absent: Senator McDonald - 1.

Excused: Senators DeJarnatt, Hansen, Johnson, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 6474, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6494, with the following amendments:

On page 2, after line 20, insert the following:

"(13) 'Birth parent' means the biological mother or biological or alleged father of a child, including a presumed father under chapter 26.26 RCW, whether or not any such person's parent-child relationship has been terminated by a court of competent jurisdiction. 'Birth parent' does not include a biological mother or biological or alleged father, including a presumed father under chapter 26.26 RCW, if the parent-child relationship was terminated because of an act for which the person was found guilty under chapter 9A.42 or 9A.44 RCW."

On page 5, after line 6, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 26.33 RCW to read as follows:

(1) Nothing in this chapter shall be construed to prohibit the parties to a proceeding under this chapter from entering into agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents.

(2) Agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents shall not be legally enforceable unless the terms of the agreement are set forth in a written court order entered in accordance with the provisions of this section. The court shall not enter a proposed order unless the terms of such order have been approved in writing by the prospective adoptive parents, any birth parent whose parental rights have not previously been terminated, and, if the child is in the custody of the department or a licensed child-placing agency, a representative of the department or child-placing agency. If the child is represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child-custody proceeding, the terms of the proposed order also must be approved in writing by the child's representative. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact between the child adoptee, the adoptive parents, and a birth parent or parents as agreed upon and as set forth in the proposed order, would be in the child adoptee's best interests.

(3) Failure to comply with the terms of an agreed order regarding communication or contact that has been entered by the court pursuant to this section shall not be grounds for setting aside an adoption decree or revocation of a written consent to an adoption after that consent has been approved by the court as provided in this chapter.

(4) An agreed order entered pursuant to this section may be enforced by a civil action and the prevailing party in that action may be awarded, as part of the costs of the action, a reasonable amount to be fixed by the court as attorneys' fees. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the child adoptee; and that: (a) The modification is agreed to by the adoptive parents and the birth parent or parents; or (b) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 1, line 3 of the title, after "74.13.031," insert "adding a new section to chapter 26.33 RCW";

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Smith moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6494.

MOTIONS

On motion of Senator Stratton, the question was divided.

On motion of Senator Stratton, the Senate concurred in the House amendment on page 2, line 20, to Substitute Senate Bill No. 6494.

POINT OF ORDER

Senator Stratton: "A point of order, Mr. President. Substitute Senate Bill No. 6494 amends adoption statutes by regulating pre-adoptive home studies, adding requirements involved in relinquishment of parental rights, requiring certain information on adoption data cards and concerning adoption therapists, including a representative of the adoption community on the DSHS Children's Services Advisory Committee and requiring counties to provide information on at least one person known to be willing to assist people in doing adoption record research. The House

amendment on page 5, after line 6, creating New Section 3, greatly expands the scope and object of this bill by authorizing communication between adoptees, adoptive parents and birth parents--a major change in current policy which was not a part of the original bill. A new court process is provided to implement this new policy including procedures for modifications for court-ordered communication or non-communication. The House amendment is a significant deviation from the original bill--never taken into consideration in the Senate deliberations--and I believe the House amendment violates Rule 66, by changing the scope and object."

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 6494.

MOTIONS

On motion of Senator Bauer, Senator McMullen was relieved of conference duties on Senate Bill No. 6904.

On motion of Senator Bauer, Senator Fleming was appointed as a conference committee member on Senate Bill No. 6904.

EDITOR'S NOTE: The Conference Committee appointments on Senate Bill No. 6904 were made on the fifty-fifth day, March 3, 1990.

MOTIONS

At 2:04 p.m., on motion of Senator Newhouse, the Senate recessed until 3:30 p.m.

The Senate was called to order at 3:43 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SENATE BILL NO. 6571 with the following amendments:

On page 2, after line 15, insert:

"NEW SECTION. Sec. 2. RCW sections 2.42.200, 2.42.210, 2.42.220, 2.42.230, 2.42.240, 2.42.250, 2.42.260, and 2.42.270 shall be recodified as a new chapter in Title 2 RCW."

On page 1, line 1 of the title, after "proceedings;" strike "and"

On page 1, line 2 of the title after "RCW 2.42.220" insert "; and recodifying RCW 2.42.200, 2.42.210, 2.42.220, 2.42.230, 2.42.240, 2.42.250, 2.42.260, and 2.42.270".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Senate Bill No. 6571.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6571, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6571, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent, 8; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Absent: Senators Amondson, Barr, Bluechel, Kreidler, Matson, Sellar, Talmadge, Warnke - 8.

Excused: Senators DeJarnatt, Johnson - 2.

SENATE BILL NO. 6571, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senators Talmadge and Warnke were excused.

On motion of Senator Anderson, Senators Barr, Bluechel and Sellar were excused.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SENATE BILL NO. 6528 with the following amendment:
On page 1, line 19 after "six hundred" insert "gross".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Senate Bill No. 6528.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6528, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6528, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Barr, Bluechel, DeJarnatt, Johnson, Sellar, Talmadge, Warnke - 7.

SENATE BILL NO. 6528, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SENATE BILL NO. 6574 with the following amendments:
On page 3, after line 6, insert the following:

"NEW SECTION. Sec. 2. As used in sections 3 through 9 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Construction" or "construct" means construction and acquisition, whether by device, purchase, gift, lease, or otherwise.

(2) "Facilities" means land, rights in land, buildings, structures, equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(3) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(4) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement. "To improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(5) "Nonprofit corporation" means a nonprofit corporation described under section 501(c)(3) of the Internal Revenue Code, or similar successor provisions.

(6) "Nonprofit facilities" means facilities owned or used by a nonprofit corporation for any nonprofit activity described under section 501(c)(3) of the Internal Revenue Code that qualifies such a corporation for an exemption from federal income taxes under section 501(a) of the Internal Revenue Code, or similar successor provisions provided that facilities which may be funded pursuant to chapter 28B.07, 35.82, 43.180, or 70.37 RCW shall not be included in this definition.

(7) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in a nonprofit facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of a nonprofit facility, including costs of studies assessing the feasibility of a nonprofit facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of

the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(8) "Revenue bond" means a taxable or tax-exempt nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of providing financing to a nonprofit corporation on an interim or permanent basis.

(9) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

NEW SECTION. Sec. 3. The commission has the following powers with respect to nonprofit facilities together with all powers incidental thereto or necessary for the performance thereof:

(1) To make secured loans to nonprofit corporations for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any nonprofit facility, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the project costs of a nonprofit corporation; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its commissioners consider advisable which are not in conflict with this subchapter;

(2) To issue revenue bonds for the purpose of financing all or part of the project cost of any nonprofit facility and to secure the payment of the revenue bonds as provided in this subchapter;

(3) To collect fees or charges from users or prospective users of nonprofit facilities to recover actual or anticipated administrative costs;

(4) To execute financing documents incidental to the powers enumerated in this section;

(5) To accept grants and gifts;

(6) To establish such special funds with any financial institution providing fiduciary services within or without the state as it deems necessary and appropriate and invest money therein.

NEW SECTION. Sec. 4. (1) The proceeds of the revenue bonds of each issue shall be used solely for the purposes set forth in this subchapter and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the revenue bonds or in the trust agreement securing the bonds. If the proceeds of the revenue bonds of any series issued with respect to the cost of any nonprofit facility exceeds the cost of the nonprofit facility for which issued, the surplus shall be deposited to the credit of the debt service fund for the revenue bonds or used to purchase the revenue bonds in the open market.

(2) The commission may issue interim notes in the manner provided for the issuance of revenue bonds to fund nonprofit facilities prior to issuing other revenue bonds to fund such facilities. The commission may issue revenue bonds to fund nonprofit facilities that are exchangeable for other revenue bonds, when these other revenue bonds are executed and available for delivery.

(3) The principal of and interest on any revenue bonds issued by the commission shall be secured by a pledge of unexpended bond proceeds and the revenues and receipts derived from the nonprofit facilities funded by the revenue bonds pursuant to financing documents. The resolution under which the revenue bonds are authorized to be issued and any financing document may contain agreements and provisions respecting the maintenance or use of the nonprofit facility covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues or from revenue bond proceeds, the rights and remedies available in the event of default, and other provisions relating to the security for the bonds, all as the commission considers advisable which are not in conflict with this subchapter.

(4) All revenue bonds issued under this subchapter and any interest coupons applicable thereto are negotiable instruments within the meaning of Article 8 of the uniform commercial code, Title 62A RCW, regardless of form or character.

(5) Notwithstanding subsection (1) of this section, such bonds and interim notes may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 5. The commission may provide by resolution for the issuance of revenue refunding bonds for the purpose of refunding any obligations issued for a nonprofit facility, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption or maturity of the revenue bonds and, if considered advisable by the commission, for the additional purpose of financing improvements, extensions, or enlargements to the nonprofit facility for another nonprofit facility. The issuance of the revenue refunding bonds, the maturities and other details thereof, the rights of the owners thereof, and the rights, duties, and obligations of the commission in respect to the same shall be governed by this chapter insofar as applicable.

NEW SECTION. Sec. 6. Any bonds issued under this subchapter may be secured by a trust agreement between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement may evidence a pledge or assignment of the financing documents and lease, sale, or loan revenues to be received from a lessee or purchaser of or borrower with respect to a nonprofit facility for the payment of principal of and interest and any premium on the bonds as the same shall become due and payable and may provide for creation and maintenance of

reserves for these purposes. A trust agreement or resolution providing for the issuance of the revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondowners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties in relation to the acquisition of property and the construction, improvement, maintenance, use, repair, operation, and insurance of the nonprofit facility for which the bonds are authorized, and the custody, safeguarding, and application of all money. Any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of revenue bonds or of revenues may furnish such indemnifying bonds or pledge such securities as may be required by the commission. A trust agreement may set forth the rights and remedies of the bondowners and of the trustee and may restrict the individual right of action by bondowners as is customary in trust agreements or trust indentures securing bonds and debentures of private corporations. In addition, a trust agreement may contain such provisions as the commission considers reasonable and proper for the security of the bondowners which are not in conflict with this subchapter.

NEW SECTION. Sec. 7. A lessee or contracting party under a sale contract or loan agreement shall not be required to be the eventual user of a nonprofit facility if any sublessee or assignee assumes all of the obligations of the lessee or contracting party under the lease, sale contract, or loan agreement, but the lessee or contracting party or their successors shall remain primarily liable for all of its obligations under the lease, sale contract, or loan agreement and the use of the nonprofit facility shall be consistent with the purposes of this subchapter.

NEW SECTION. Sec. 8. The proceedings authorizing any revenue bonds under this subchapter or any financing document securing the revenue bonds may provide that if there is a default in the payment of the principal of or the interest on the bonds or in the performance of any agreement contained in the proceedings or financing document, the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents, purchase price payments, and loan repayments, and to apply the revenues from the nonprofit facility in accordance with the proceedings or provisions of the financing document. Any financing document entered into under this subchapter may also provide that if there is a default in the payment thereof or a violation of any agreement contained in the financing document, the nonprofit facility may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Any financing document may also provide that any trustee under the financing document or the holder of any revenue bonds secured thereby may become the purchaser at any foreclosure sale if it is the highest bidder.

NEW SECTION. Sec. 9. The Washington state housing finance commission shall be the sole issuer of revenue bonds for facilities owned and operated by nonprofit corporations in the state except for revenue bonds to finance such facilities issued by the Washington health care facilities authority established by chapter 70.37 RCW, or the Washington higher education facilities authority established by chapter 28B.07 RCW.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act shall be added to chapter 43.180 RCW and codified with the subchapter heading of "Nonprofit corporation facilities."

On page 1, line 2 of the title, after "commission;" strike "and" and after "43.180.020" insert "; and adding new sections to chapter 43.180 RCW".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Senate Bill No. 6574.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6574, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6574, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent, 1; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogndid, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senator Matson - 1.

Absent: Senator Fleming - 1.

Excused: Senators Barr, Bluechel, DeJarnatt, Johnson, Sellar, Talmadge, Warnke - 7.

SENATE BILL NO. 6574, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator McCaslin, Senators McCaslin and Amondson were excused.

On motion of Senator Rinehart, Senator Vognilid was excused.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6575 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 191, Laws of 1986 and RCW 43.200.200 are each amended to read as follows:

(1) The director of the department of ecology shall periodically review the potential for bodily injury and property damage in the packaging, shipping, transporting, treatment, storage, and disposal of commercial low-level radioactive materials under licenses or permits issued by the state.

~~(2) ((The director shall, upon the completion of each review, determine by rule the minimum amount of liability coverage that is adequate to protect the state and its citizens from all claims, suits, losses, damages, or expenses on account of injuries to persons and property damage arising or growing out of the packaging, shipping, transporting, treatment, storage, and disposal of commercial low-level radioactive materials.~~

~~(3)) Except as otherwise provided in subsection (7) of this section, the director shall require ((the maximum amount of)) each permit holder to maintain liability coverage ((available from private sources, including)) in an amount that is adequate to protect the state and its citizens from all claims, suits, losses, damages, or expenses on account of injuries to persons and property damage arising or growing out of the packaging, shipping, transporting, treatment, storage, and disposal of commercial low-level radioactive materials. The liability coverage may be in the form of insurance, cash, surety bonds, corporate guarantees, and other acceptable instruments((-unless the director determines that a lesser amount is adequate to protect the state and its citizens pursuant to this section)).~~

~~((4)) (3) In making the determination of the appropriate level of liability coverage, the director shall consider:~~

(a) The nature and purpose of the activity and its potential for injury and damages to or claims against the state and its citizens;

(b) The current and cumulative manifested volume and radioactivity of material being packaged, transported, buried, or otherwise handled;

(c) The location where the material is being packaged, transported, buried, or otherwise handled, including the proximity to the general public and geographic features such as geology and hydrology, if relevant; and

(d) The legal defense cost, if any, that will be paid from the required liability coverage amount.

~~((5)) (4) The director may establish different levels of required liability coverage for various classes of ((license or)) permit holders.~~

~~((6)) (5) The director shall establish by rule the instruments or mechanisms by which a person may demonstrate liability coverage as required by RCW 43.200.210 ((and 70-98-095)). Any instrument or mechanism approved as an alternative to liability insurance shall provide the state and its citizens with a level of financial protection at least as great as would be provided by liability insurance.~~

~~((7)) (6) The director shall complete the first review and determination, and report the results to the legislature, by December 1, 1987. At least every five years thereafter, the director shall conduct a new review and determination and report its results to the legislature.~~

~~(7)(a) The director by rule may exempt from the requirement to provide liability coverage a class of permit holders if the director determines that the exemption of that class will not pose a significant risk to persons or property and will not pose substantial financial risk to the state.~~

~~(b) The director may exempt from the requirement to provide liability coverage an individual permit holder if the director determines that the cost of obtaining that coverage for that permit holder would impose a substantial financial hardship on the person and that failure to maintain the coverage will not pose a significant risk to persons or property and will not pose a substantial financial risk to the state.~~

Sec. 2. Section 2, chapter 191, Laws of 1986 and RCW 43.200.210 are each amended to read as follows:

(1)(a) The department of ecology shall require that any person who holds or applies for a (~~(license or)~~) permit under this chapter (~~((or))~~) indemnify and hold harmless the state from claims, suits, damages, or expenses on account of injuries to or death of persons and property, arising or growing out of any operations and activities for which the person holds the license or permit, and any necessary or incidental operations(~~(-and)~~).

(b) Except for a permit holder not required to maintain liability insurance coverage under RCW 43.200.200(7), the department shall require any person who holds or applies for a permit under this chapter to demonstrate that the person has and maintains liability coverage for the operations for which the state has been indemnified and held harmless pursuant to this section. The agency shall require coverage in an amount determined by the director of the department of ecology pursuant to RCW 43.200.200.

(2) The department of ecology shall suspend the license (~~(or permit)~~) of any person required by this section to hold and maintain liability coverage who fails to demonstrate compliance with this section. The (~~(license or)~~) permit shall not be reinstated until the person demonstrates compliance with this section.

(3) The department of ecology shall require (a) that any person required to maintain liability coverage maintain with the agency current copies of any insurance policies, certificates of insurance, or any other documents used to comply with this section, (b) that the agency be notified of any changes in the insurance coverage or financial condition of the person, and (c) that the state be named as an insured party on any insurance policy used to comply with this section.

NEW SECTION. Sec. 3. A new section is added to chapter 70.98 RCW to read as follows:

(1) Except as otherwise provided in subsection (5) of this section, the secretary shall require each permit or license holder to maintain liability coverage in an amount that is adequate to protect the state and its citizens from all claims, suits, losses, damages, or expenses on account of injuries to persons and property damage arising or growing out of the packaging, shipping, transporting, treatment, storage, and disposal of commercial low-level radioactive materials. The liability coverage may be in the form of insurance, cash, surety bonds, corporate guarantees, and other acceptable instruments.

(2) In making the determination of the appropriate level of liability coverage, the secretary shall consider:

(a) The nature and purpose of the activity and its potential for injury and damages to or claims against the state and its citizens;

(b) The current and cumulative manifested volume and radioactivity of material being packaged, transported, buried, or otherwise handled;

(c) The location where the material is being packaged, transported, buried, or otherwise handled, including the proximity to the general public and geographic features such as geology and hydrology, if relevant;

(d) The report prepared by the department of ecology pursuant to RCW 43.200.200; and

(e) The legal defense cost, if any, that will be paid from the required liability coverage amount.

(3) The secretary may establish different levels of required liability coverage for various classes of permit or license holders.

(4) The secretary shall establish by rule the instruments or mechanisms by which a person may demonstrate liability coverage as required by RCW 70.98.095. Any instrument or mechanism approved as an alternative to liability insurance shall provide the state and its citizens with a level of financial protection at least as great as would be provided by liability insurance.

(5)(a) The secretary by rule may exempt from the requirement to provide liability coverage a class of permit or license holders if the secretary determines that the exemption of that class will not pose a significant risk to persons or property and will not pose substantial financial risk to the state.

(b) The secretary may exempt from the requirement to provide liability coverage an individual permit or license holder if the secretary determines that the cost of obtaining that coverage for that license or permit or license holder would impose a substantial financial hardship on the person and that failure to maintain the coverage will not pose a significant risk to persons or property and will not pose a substantial financial risk to the state.

Sec. 4. Section 3, chapter 191, Laws of 1986 and RCW 70.98.095 are each amended to read as follows:

(1)(a) The radiation control agency shall require that any person who holds or applies for a license or permit under this chapter (~~((or))~~) indemnify and hold harmless the state from claims, suits, damages, or expenses on account of injuries to or death of persons and property, arising or growing out of any operations or activities for which the person holds the license or permit, and any necessary or incidental operations(~~(-and)~~).

(b) Except for a license or permit holder who the secretary has exempted from maintaining liability coverage pursuant to section 3(5) of this act, the radiation control agency shall require any person who holds or applies for a license or permit under this chapter to demonstrate that the person has and maintains liability coverage for the operations for which the

state has been indemnified and held harmless pursuant to this section. The agency shall require coverage in an amount determined by the (~~director of the department of ecology pursuant to RCW 43.200.200~~) secretary pursuant to section 3 of this act.

(2) The radiation control agency shall suspend the license or permit of any person required by this section to hold and maintain liability coverage who fails to demonstrate compliance with this section. The license or permit shall not be reinstated until the person demonstrates compliance with this section.

(3) The radiation control agency shall require (a) that any person required to maintain liability coverage maintain with the agency current copies of any insurance policies, certificates of insurance, or any other documents used to comply with this section, (b) that the agency be notified of any changes in the insurance coverage or financial condition of the person, and (c) that the state be named as an insured party on any insurance policy used to comply with this section.

NEW SECTION, Sec. 5. The department of ecology and the department of health shall study and report to the legislature on methods by which persons who hold licenses or permits for the packaging, shipping, transporting, treatment, storage, and disposal of commercial low-level radioactive materials under licenses or permits issued by the state and who are unable to obtain liability coverage required by the state may be provided with that coverage. The study shall be completed and the report submitted to the energy and utilities committees of the senate and the house of representatives not later than December 1, 1990."

On page 1, after line 1 of the title, strike the remainder of the title and insert "amending RCW 43.200.200, 43.200.210, and 70.98.095; adding a new section to chapter 70.98 RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Substitute Senate Bill No. 6575.

POINT OF INQUIRY

Senator Williams: "Senator Benitz, is it the intent of Substitute Senate Bill No. 6575, as amended by the House, that the Departments of Health and Ecology will follow the Administrative Procedures Act in notifying permittees and licensees of the amount of liability coverage required and also if the amount of liability coverage required is challenged by a permittee or licensee?"

Senator Benitz: "Yes, Senator Williams, it is the intent of Substitute Senate Bill No. 6575, as amended, that both the Department of Health and the Department of Ecology are to follow the Administrative Procedures Act in notifying licensees or permittees or in dealing with any challenges to the amount of liability coverage required."

Senator Williams: "Senator Benitz, just to clarify this further, is it the intent of Substitute Senate Bill No. 6575, that the Department of Health and the Department of Ecology follow the rule making requirements of the Administrative Procedures Act in establishing any liability insurance requirements for their licensees or permittees and to permit any interested persons including licensees or permittees to comment on any proposed rules imposing such requirements and to challenge by judicial review any final rule adopted by either agency, as permitted by the Administrative Procedures Act?"

Senator Benitz: "Yes, that is correct."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6575, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6575, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent, 1; excused, 10.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 38.

Absent: Senator McDonald - 1.

Excused: Senators Amondson, Barr, Bluechel, DeJarnatt, Johnson, McCaslin, Sellar, Talmadge, Vognild, Warnke - 10.

SUBSTITUTE SENATE BILL NO. 6575, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 5, 1990

Due to a court proceeding, I missed the votes on Senate Bill No. 6528, Senate Bill No. 6571, Senate Bill No. 6574 and Substitute Senate Bill No. 6575. I would have voted 'aye' on each bill.

SENATOR PHIL TALMADGE, 34th District

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to:

- (1) Preserve, strengthen, and reconcile families experiencing problems with at-risk youth;
- (2) Provide a legal process by which parents who are experiencing problems with at-risk youth can request and receive assistance from juvenile courts in providing appropriate care, treatment, and supervision to such youth; and
- (3) Assess the effectiveness of the family reconciliation services program.

The legislature does not intend by this enactment to grant any parent the right to file an at-risk youth petition or receive juvenile court assistance in dealing with an at-risk youth. The purpose of this enactment is to create a process by which a parent of an at-risk youth may request and receive assistance subject to the availability of juvenile court services and resources. Recognizing that these services and resources are limited, the legislature intends that counties have the authority to impose reasonable limits on the utilization of juvenile court services and resources in matters related to at-risk youth. Any responsibilities imposed upon the department under this act shall be contingent upon the availability of funds specifically appropriated by the legislature for such purpose.

Sec. 2. Section 16, chapter 155, Laws of 1979 and RCW 13.32A.020 are each amended to read as follows:

This chapter shall be known and may be cited as the (~~Procedures for Families in Conflict~~) Family Reconciliation Act.

Sec. 3. Section 17, chapter 155, Laws of 1979 as amended by section 6, chapter 257, Laws of 1985 and RCW 13.32A.030 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;
- (4) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away: PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves;
- (5) "At-risk youth" means an individual under the chronological age of eighteen years

who:

(a) Is absent from home for more than seventy-two consecutive hours without consent of his or her parent;

(b) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or

(c) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse.

Sec. 4. Section 18, chapter 155, Laws of 1979 as amended by section 1, chapter 298, Laws of 1981 and RCW 13.32A.040 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth may request family reconciliation services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

Sec. 5. Section 19, chapter 155, Laws of 1979 as last amended by section 1, chapter 288, Laws of 1986 and RCW 13.32A.050 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

Sec. 6. Section 23, chapter 155, Laws of 1979 as amended by section 7, chapter 298, Laws of 1981 and RCW 13.32A.090 are each amended to read as follows:

(1) The person in charge of a designated crisis residential center or the department pursuant to RCW 13.32A.070 shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW 13.32A.080(((2))) (3) that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW 13.32A.070.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home;

(e) Arrange transportation for the child to an alternative residential placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

Sec. 7. Section 26, chapter 155, Laws of 1979 and RCW 13.32A.120 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an alternative residential placement arrived at pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an alternative residential placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

(3) If a child and his or her parent cannot agree to the continuation of an alternative residential placement arrived at under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

Sec. 8. Section 27, chapter 155, Laws of 1979 as last amended by section 9, chapter 257, Laws of 1985 and RCW 13.32A.130 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays, from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours, excluding Saturdays, Sundays and holidays, from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the seventy-two hour period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement ((and)), the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of ((such a)) any alternative residential placement: PROVIDED, That at no time shall information regarding a parent's or child's rights be withheld if requested: PROVIDED FURTHER, That the department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating such services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of such statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of such statement.

Sec. 9. Section 28, chapter 155, Laws of 1979 as amended by section 10, chapter 298, Laws of 1981 and RCW 13.32A.140 are each amended to read as follows:

The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; ((and))

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent: ~~((and))~~

~~(e) The parent has not filed an at-risk youth petition; and~~

~~(f) The child has no suitable place to live other than the home of his or her parent.~~

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 10. Section 29, chapter 155, Laws of 1979 as last amended by section 1, chapter 269, Laws of 1989 and RCW 13.32A.150 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment shall be aimed at family reconciliation and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under subsection (3) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

(3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

(a) The child is an at-risk youth as defined in this chapter;

(b) The petitioning parent has the right to legal custody of the child;

(c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and

(d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted or if there is good cause why they were not attempted. Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.

Sec. 11. Section 30, chapter 155, Laws of 1979 as amended by section 2, chapter 269, Laws of 1989 and RCW 13.32A.160 are each amended to read as follows:

(1) When a proper petition to approve an alternative residential placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a) Schedule a date for a fact-finding hearing; notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an alternative residential placement petition; and (e) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of an alternative residential placement petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the alternative residential placement petition by the court. Any placement may be reviewed by the court within three court days upon the request of the juvenile or the juvenile's parent.

NEW SECTION, Sec. 12. (1) When a proper at-risk youth petition is filed by a child's parent under RCW 13.32A.120 or 13.32A.150, the juvenile court shall:

- (a) Schedule a fact-finding hearing and notify the parent and the child of such date;
- (b) Notify the parent of the right to be represented by counsel at the parent's own expense;
- (c) Appoint legal counsel for the child;
- (d) Inform the child and his or her parent of the legal consequences of the court finding the child to be an at-risk youth; and
- (e) Notify the parent and the child of their rights to present evidence at the fact-finding hearing.

(2) Unless out-of-home placement of the child is otherwise authorized or required by law, the child shall reside in the home of his or her parent or in an alternative residential placement approved by the parent. Upon request by the parent, the court may enter a court order requiring the child to reside in the home of his or her parent or an alternative residential placement approved by the parent.

(3) If upon sworn written or oral declaration of the petitioning parent, the court has reason to believe that a child has willfully and knowingly violated a court order issued pursuant to subsection (2) of this section, the court may issue an order directing law enforcement to take the child into custody and place the child in a juvenile detention facility or in a crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. If the child is placed in detention, a review shall be held as provided in RCW 13.32A.065.

(4) If both an alternative residential placement petition and an at-risk youth petition have been filed with regard to the same child, the proceedings shall be consolidated for purposes of fact-finding. Pending a fact-finding hearing regarding the petition, the child may be placed, if not already placed, in an alternative residential placement as provided in RCW 13.32A.160 unless the court has previously entered an order requiring the child to reside in the home of his or her parent. The child or the parent may request a review of the child's placement including a review of any court order requiring the child to reside in the parent's home. At the review the court, in its discretion, may order the child placed in the parent's home or in an alternative residential placement pending the hearing.

NEW SECTION, Sec. 13. (1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court may grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence. The court shall not enter such an order if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is granted, the court shall enter an order requiring the child to reside in the home of his or her parent or in an alternative residential placement approved by the parent.

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

(3) A dispositional hearing shall be held no later than fourteen days after the court has granted an at-risk youth petition. Each party shall be notified of the time and date of the hearing.

(4) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

NEW SECTION, Sec. 14. (1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

- (2) The court may set conditions of supervision for the child that include:
 - (a) Regular school attendance;
 - (b) Counseling;
 - (c) Participation in a substance abuse treatment program;
 - (d) Reporting on a regular basis to the department or any other designated person or agency; and
 - (e) Any other condition the court deems an appropriate condition of supervision.

(3) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled. The parent may request dismissal of an at-risk youth proceeding at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

(4) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

NEW SECTION. Sec. 15. (1) Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel for the child, advise the parent of the right to be represented by legal counsel at the review hearing at the parent's own expense, and notify the parties of their rights to present evidence at the hearing.

(2) At the review hearing, the court shall approve or disapprove the continuation of court supervision in accordance with the goal of assisting the parent to maintain the care, custody, and control of the child. The court shall determine whether the parent and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan.

(3) Court supervision of the child may not be continued past one hundred eighty days from the day the review hearing commenced unless the court finds, and the parent agrees, that there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection shall not exceed ninety days.

(4) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision would serve no useful purpose or that the parent is not cooperating with the court-ordered case plan. The court shall dismiss an at-risk youth proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 16. Section 14, chapter 298, Laws of 1981 as amended by section 4, chapter 269, Laws of 1989 and by section 16, chapter 373, Laws of 1989 and RCW 13.32A.250 are each reenacted and amended to read as follows:

(1) In all alternative residential placement proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of ~~((an alternative residential placement order))~~ a court order entered pursuant to this chapter. The court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a contempt of court as provided in chapter 7.21 RCW, subject to the limitations of subsection (2) of this section.

(3) The court may impose a fine of up to one hundred dollars and imprisonment for up to seven days, or both for contempt of court under this section.

(4) A child imprisoned for contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

NEW SECTION. Sec. 17. The department shall conduct a research study of the family reconciliation services program. The research study shall include the following information:

(1) A description of services offered in phase I and phase II and the effectiveness of these services;

(2) The number of youth and families served in family reconciliation services phase I and phase II and outcome of services provided to each youth and family;

(3) Nonclient parent and youth awareness of the family reconciliation services program and their perception of its effectiveness;

(4) The number of referrals to family reconciliation services from law enforcement, juvenile courts, schools, and community agencies and their perception of its effectiveness;

(5) Follow-up contact with a random sample of youth and families receiving family reconciliation services assistance and their perception of the effectiveness of family reconciliation services;

(6) The number of youth referred again after services were terminated and outcome of services provided;

(7) The number of youth and families offered services who refused them and the reason, if known;

(8) The number of youth and families who requested services but were denied based on: (a) Ineligibility or (b) services not available, including a list of those services requested but not available; and

(9) Recommendations for improving services to at-risk youth and families.

The department shall submit a preliminary report by January 1, 1991, and the full research study report by January 1, 1992, to the senate children and family services committee, and the house of representatives human services committee.

NEW SECTION. Sec. 18. Sections 12 through 15 of this act are each added to chapter 13.32A RCW.

NEW SECTION. Sec. 19. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

Sec. 20. Section 7, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 120, Laws of 1989, and by section 8, chapter 205, Laws of 1989 and by section 13, chapter 420, Laws of 1989 and RCW 71.05.020 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, including but not limited to a chronic failure or refusal to take required medications, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self. (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) "Department" means the department of social and health services of the state of Washington;

(10) "Resource management services" has the meaning given in chapter 71.24 RCW;

(11) "Secretary" means the secretary of the department of social and health services, or ~~(his)~~ the secretary's designee;

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(14) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(15) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(16) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(17) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(18) "Antipsychotic medications," also referred to as "neuroleptics," means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders and currently includes phenothiazines, thioxanthenes, butyrophenone, dihydroindolone, and dibenzoxazine.

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(2);

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(21) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct;

(22) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(23) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

(24) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge from involuntary confinement, and a projected possible date for discharge from involuntary confinement; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

Sec. 21. Section 3, chapter 354, Laws of 1985 and RCW 71.34.030 are each amended to read as follows:

(1) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) A minor under thirteen years of age may only be admitted on the application of the minor's parent.

(b) A minor thirteen years or older may be voluntarily admitted by application of the parent. Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor if the minor is fifteen years or older.

(c) A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(d) Written renewal of voluntary consent must be obtained from the applicant and the minor (~~(thirteen)~~ fifteen years or older no less than once every twelve months.

(e) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor (~~(thirteen)~~ fifteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, (~~(thirteen)~~ fifteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional files a petition for initial detention within the time prescribed by this chapter.

NEW SECTION, Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 23. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.090, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, and 71.34.030; reenacting and amending RCW 13.32A-.250 and 71.05.020; adding new sections to chapter 13.32A RCW; and creating new sections."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

POINT OF ORDER

Senator Niemi: "A point of order, Mr. President. I would request a ruling on the House amendment to Engrossed Second Substitute Senate Bill No. 6610, beginning on page 17, after line 20. The underlying bill deals with at-risk children. It deals basically with RCW 13.32A. The amendment deals with RCW 71, which is the mental commitment law and it specifically adds a condition for involuntary mental illness. That is, it adds chronic failure or refusal to take required medications. I don't think it is within the scope and object of the original bill."

There being no objection, the President deferred further consideration of Engrossed Second Substitute Senate Bill No. 6610.

MESSAGE FROM THE HOUSE

February 26, 1990

Mr. President:

The House has passed SENATE BILL NO. 6577 with the following amendment:

On page 1, line 7 after "responsibilities" strike all matter through "sources" on line 8, and insert "(~~provided that the state funds for such contracts are matched by at least an equal amount from private sources~~)". The committee shall endeavor to ensure that state funds are matched by private funds or in-kind services."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendment to Senate Bill No. 6577.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6577, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6577, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Amondson, Barr, Bluechel, DeJarnatt, Johnson, McCaslin, Sellar, Vognild, Warnke - 9.

SENATE BILL NO. 6577, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6649 with the following amendment:

On page 6, line 19 after "interstate" strike all material through "along" on line 20 and insert ", primary and".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Patterson, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6649 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6649 and the House amendment thereto: Senators Thorsness, Conner and Johnson.

MOTION

On motion of Senator Metcalf, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6681 with the following amendment:

On page 1, line 18 after "where" insert ", due to proximity to an international airport.", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendment to Substitute Senate Bill No. 6681.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6681, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6681, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent, 1; excused, 9.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 39.

Absent: Senator Anderson - 1.

Excused: Senators Amondson, Barr, Bluechel, DeJarnatt, Johnson, McCaslin, Sellar, Vognild, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 6681, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of the Message from the House on Engrossed Second Substitute Senate Bill No. 6610 and the pending point of order by Senator Niemi, deferred earlier today.

POINT OF ORDER

Senator Niemi: "Mr. President, a point of order. I would like to try it again. I move that we concur in all of the House amendments to Engrossed Second Substitute Senate Bill No. 6610, with the exception of Section 20, which begins on page 16, line 14, and goes through to Section 22 on page 22, line 15. I would request a ruling on the scope and object of Sections 20 and 21, for the reasons that I stated before. It deals with the Involuntary Commitment Act, title 71. The bill itself deals with at-risk youth and Title 13.32A."

There being no objection, the President deferred further consideration of Engrossed Second Substitute Senate Bill No. 6610.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6698 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 70.94 RCW to read as follows:

The joint select task force on clean air established by chapter (Engrossed Substitute House Bill No. 2277), Laws of 1990, has the authority, in addition to all other powers granted the task force, to:

- (1) Review the implementation of this act;
- (2) Review and make recommendations regarding state policies regarding the sale and use of residential solid fuel burning devices; and
- (3) Review and recommend strategies to further advance technology to reduce contaminants from residential solid fuel burning devices, including but not limited to pellet fuel burning devices.

Sec. 2. Section 6, chapter 405, Laws of 1987 and RCW 70.94.473 are each amended to read as follows:

- (1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

~~((1)) (a) Not burn wood in any solid fuel ((heating)) burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;~~

~~((2)) (b) Not burn wood in any solid fuel ((heating)) burning device(-) except ((wood stoves)) those which meet the standards set forth in RCW 70.94.457, or a pellet stove either certified or issued an exemption certificate by the United States environmental protection agency in accordance with title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area. ((For the purposes of this section, impaired air quality shall mean air contaminant concentrations nearing unhealthful levels concurrent with meteorological conditions that are conducive to an accumulation of air contamination. If, after July 1, 1990, the department determines that there is quantitative evidence that wood stoves meeting the requirements of RCW 70.94.457 are contributing to impaired air quality, the department or any authority may prohibit burning of all solid fuel burning devices as provided by this section including those meeting the requirements of RCW 70.94.457.)) A first stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of seventy-five micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average; and~~

~~(c) Not burn wood in any solid fuel burning device, including those which meet the standards set forth in RCW 70.94.457, in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of one hundred five micrograms per cubic meter measured on a twenty-four hour average.~~

~~(2) When a local air authority exercises the limitation on solid fuel burning devices specified under RCW 70.94.477(2), a single stage of impaired air quality applies in the geographical area defined by the authority in accordance with RCW 70.94.477(2) and is reached when particulates ten microns and smaller in diameter are at an ambient level of ninety micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average.~~

~~When this single stage of impaired air quality is reached, no person in a residence or commercial establishment which has an adequate source of heat without burning wood shall burn wood in any solid fuel burning device, including those which meet the standards set forth in RCW 70.94.457.~~

Sec. 3. Section 9, chapter 405, Laws of 1987 and RCW 70.94.477 are each amended to read as follows:

(1) Unless allowed by rule, under chapter 34.05 RCW, a person shall not cause or allow any of the following materials to be burned in any residential solid fuel burning device:

~~((1)) (a) Garbage;~~

~~((2)) (b) Treated wood;~~

~~((3)) (c) Plastics;~~

~~((4)) (d) Rubber products;~~

~~((5)) (e) Animals;~~

~~((6)) (f) Asphaltic products;~~

~~((7)) (g) Waste petroleum products;~~

~~((8)) (h) Paints; or~~

~~((9)) (i) Any substance, other than properly seasoned fuel wood, which normally emits dense smoke or obnoxious odors.~~

~~(2) On or after July 1, 1995, a local authority may geographically limit the use of solid fuel burning devices, except fireplaces as defined in RCW 70.94.453(3), wood stoves meeting the standards set forth in RCW 70.94.457 or pellet stoves issued an exemption certificate by the United States environmental protection agency in accordance with Title 40, part 60 of the code of federal regulations. An authority shall allow an exemption from this subsection for low-income persons who reside in a geographical area affected by this subsection. In the exercise of this limitation, a local authority shall consider the following factors:~~

~~(a) The contribution of solid fuel burning devices that do not meet the standards set forth in RCW 70.94.457 to nonattainment of national ambient air quality standards;~~

~~(b) The population density of geographical areas within the local authority's jurisdiction giving greater consideration to urbanized areas; and~~

~~(c) The public health effects of use of solid fuel burning devices which do not meet the standards set forth in RCW 70.94.457.~~

Sec. 4. Section 2, chapter 194, Laws of 1971 ex. sess. and RCW 70.94.715 are each amended to read as follows:

The department of ecology is hereby authorized to develop an episode avoidance plan providing for the phased reduction of emissions wherever and whenever an air pollution episode is forecast. Such an episode avoidance plan shall conform with any applicable federal

standards and shall be effective state-wide. The episode avoidance plan may be implemented on an area basis in accordance with the occurrence of air pollution episodes in any given area.

The department of ecology may delegate authority to adopt source emission reduction plans and authority to implement all stages of occurrence up to and including the warning stage, and all intermediate stages up to the warning stage, in any area of the state, to the air pollution control authority with jurisdiction therein.

The episode avoidance plan, which shall be established by regulation in accordance with chapter 34.05 RCW, shall include, but not be limited to the following:

(1) The designation of episode criteria and stages, the occurrence of which will require the carrying out of preplanned episode avoidance procedures. The stages of occurrence shall be (a) forecast, (b) alert, (c) warning, (d) emergency, and such intermediate stages as the department shall designate. "Forecast" means the presence of meteorological conditions that are conducive to accumulation of air contaminants and is the first stage of an episode. The department shall not call a forecast episode prior to the department or an authority calling a first stage impaired air quality condition as provided by RCW 70.94.473(1)(b) or calling a single-stage impaired air quality condition as provided by RCW 70.94.473(2). "Alert" means concentration of air contaminants at levels at which short-term health effects may occur, and is the second stage of an episode. "Warning" means concentrations are continuing to degrade, contaminant concentrations have reached a level which, if maintained, can result in damage to health, and additional control actions are needed and is the third level of an episode. "Emergency" means the air quality is posing an imminent and substantial endangerment to public health and is the fourth level of an episode;

(2) The requirement that persons responsible for the operation of air contaminant sources prepare and obtain approval from the director of source emission reduction plans, consistent with good operating practice and safe operating procedures, for reducing emissions during designated episode stages;

(3) Provision for the director of the department of ecology or his authorized representative, or the air pollution control officer if implementation has been delegated, on the satisfaction of applicable criteria, to declare and terminate the forecast, alert, warning and all intermediate stages, up to the warning episode stage, such declarations constituting orders for action in accordance with applicable source emission reduction plans;

(4) Provision for the governor to declare and terminate the emergency stage and all intermediate stages above the warning episode stage, such declarations constituting orders in accordance with applicable source emission reduction plans;

(5) Provisions for enforcement by state and local police, personnel of the departments of ecology and social and health services, and personnel of local air pollution control agencies; and

(6) Provisions for reduction or discontinuance of emissions immediately, consistent with good operating practice and safe operating procedures, under an air pollution emergency as provided in RCW 70.94.720.

Source emission reduction plans shall be considered orders of the department and shall be subject to appeal to the pollution control hearings board according to the procedure in chapter 43.21B RCW.

Sec. 5. Section 10, chapter 405, Laws of 1987 and RCW 70.94.483 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the general fund. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee, not to exceed ~~(five)~~ fifteen dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device, excepting masonry fireplaces, after January 1, 1988. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above ~~(five)~~ fifteen dollars according to changes in the consumer price index after January 1, 1989. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall ~~((transmit the moneys to))~~ deposit fees collected under this section in the wood stove education and enforcement account.

Sec. 6. Section 3, chapter 405, Laws of 1987 and RCW 70.94.480 are each amended to read as follows:

(1) The department of ecology shall establish a program to educate wood stove dealers and the public about:

((+)) (a) The effects of wood stove emissions on health and air quality;

((2)) (b) Methods of achieving better efficiency and emission performance from wood stoves;

((3)) (c) Wood stoves that have been approved by the department;

((4)) (d) The benefits of replacing inefficient wood stoves with stoves approved under RCW 70.94.457.

(2) Persons selling new wood stoves shall distribute and verbally explain educational materials describing when a stove can and cannot be legally used to customers purchasing new wood stoves.

On page 1, line 5 of the title, after "devices," strike the remainder of the title and insert "amending RCW 70.94.473, 70.94.477, 70.94.715, 70.94.483, and 70.94.480; and adding a new section to chapter 70.94 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 6698.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6698, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6698, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 5; excused, 9.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Saling, Smith, Smitherman, Stratton, Talmadge, Thorsness, von Reichbauer, West, Williams - 35.

Voting nay: Senators Matson, Patrick, Rinehart, Sutherland, Wojahn - 5.

Excused: Senators Amondson, Barr, Bluechel, DeJarnatt, Johnson, McCaslin, Sellar, Vognilid, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 6698, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6639 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this act is to provide a mechanism for the acquisition and maintenance of conservation areas through an orderly process that is approved by the voters of a county. The authorities provided in this act are supplemental, and shall not be construed to limit otherwise existing authorities.

NEW SECTION. Sec. 2. A new section is added to chapter 36.32 RCW to read as follows:

The legislative authority of each county may acquire a fee simple interest, or lesser interest, in conservation areas in the county and may maintain the conservation areas. The conservation areas may be acquired and maintained with moneys obtained from the excise tax under section 3 of this act, or any other moneys available for such purposes.

As used in this section, the term "conservation area" means land and water that has environmental, agricultural, aesthetic, cultural, scientific, historic, scenic, or low-intensity recreational value for existing and future generations, and includes, but is not limited to, open spaces, wetlands, marshes, aquifer recharge areas, shoreline areas, natural areas, and other lands and waters that are important to preserve flora and fauna.

NEW SECTION. Sec. 3. A new section is added to chapter 82.46 RCW to read as follows:

(1) Subject to subsection (2) of this section, the legislative authority of any county may impose an additional excise tax on each sale of real property in the county at a rate not to exceed one-half of one percent of the selling price. The proceeds of the tax shall be used exclusively for the acquisition and maintenance of conservation areas.

The taxes imposed under this subsection shall be imposed in the same manner and on the same occurrences, and are subject to the same conditions, as the taxes under chapter 82.45 RCW, except the tax does not apply to the acquisition of conservation areas by the county or state.

The county may enforce the obligation through an action of debt against the purchaser or may foreclose the lien on the property in the same manner prescribed for the foreclosure of mortgages.

The tax shall take effect thirty days after the election at which the taxes are authorized.

(2) No tax may be imposed under subsection (1) of this section unless approved by a majority of the voters of the county voting thereon for a specified period and maximum rate after:

(a) The adoption of a resolution by the county legislative authority of the county proposing this action; or

(b) The filing of a petition proposing this action with the county auditor, which petition is signed by county voters at least equal in number to ten percent of the total number of voters in the county who voted at the last preceding general election.

The ballot proposition shall be submitted to the voters of the county at the next general election occurring at least sixty days after a petition is filed, or at any special election prior to this general election that has been called for such purpose by the county legislative authority.

(3) A plan for the expenditure of the excise tax proceeds shall be prepared by the county legislative authority at least sixty days before the election if the proposal is initiated by resolution of the county legislative authority, or within six months after the tax has been authorized by the voters if the proposal is initiated by petition. Prior to the adoption of this plan, the elected officials of cities located within the county shall be consulted and a public hearing shall be held to obtain public input. The proceeds of this excise tax must be expended in conformance with this plan.

(4) As used in this section, "conservation area" has the meaning given under section 2 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 82.46 RCW to read as follows:

(1) Subject to subsection (2) of this section, the legislative authority of a county may impose an additional excise tax on each sale of real property in the county at a rate not to exceed one-half of one percent of the selling price. The proceeds of the tax shall be used exclusively for the acquisition and maintenance of conservation areas that are critical habitat, natural areas, or urban wildlife habitat. As used in this section:

(a) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(b) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

(c) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

(d) "Conservation area" has the meaning given under section 2 of this act.

(2) The taxes imposed under this section shall be imposed in the same manner and on the same occurrences, and are subject to the same conditions, as the taxes under chapter 82.45 RCW.

Sec. 5. Section 14, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.040 are each amended to read as follows:

Any tax imposed under (~~RCW 82.46.040~~) this chapter and any interest or penalties thereon is a specific lien upon each piece of real property sold from the time of sale until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

Sec. 6. Section 15, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.050 are each amended to read as follows:

The taxes levied under (~~RCW 82.46.040~~) this chapter are the obligation of the seller and may be enforced through an action of debt against the seller or in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

Sec. 7. Section 16, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.060 are each amended to read as follows:

Any taxes imposed under (~~RCW 82.46.040~~) this chapter shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The treasurer shall act as agent for any city within the county imposing the tax. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed under (~~RCW 82.46.040~~) this chapter shall be evidence of the satisfaction of the lien imposed in RCW 82.46.040 and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the

stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the treasurer."

On page 1, line 2 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 82.46.040, 82.46.050, and 82.46.060; adding a new section to chapter 36.32 RCW; adding new sections to chapter 82.46 RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McDonald, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6639 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6639 and the House amendments thereto: Senators McDonald, McMullen and Hayner.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the Senate resumed consideration of the Message from the House on Substitute Senate Bill No. 6494 and the pending House amendment on page 5, after line 6, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Stratton, the President finds that Substitute Senate Bill No. 6494 is a measure which makes procedural and administrative changes to the adoption laws, including: Clarification of professional standards for those who do pre-adoptive home studies, criminal background checks for prospective adoptive parents; disclosure of social and financial assistance available to birth parents; and written information for adoptive parents to assist them in evaluating adoption therapists.

"The House amendment on page 5, after line 6, would authorize, under certain circumstances, a court-approved agreement allowing communication between adoptees, adoptive parents and birth parents.

"The President, therefore, finds that this proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The House amendment on page 5, after line 6, to Substitute Senate Bill No. 6494 was ruled out of order.

MOTION

On motion of Senator Smith, the Senate concurred in the House amendment on page 2, after line 20, but refuses to concur in the House amendment on page 5, after line 6, to Substitute Senate Bill No. 6494 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6701 with the following amendments:

On page 5, line 9 after "comprised of" strike "seven" and insert "nine"

On page 5, line 18, after "waters," strike all material through "governor." on page 5, line 21, and insert "One member shall represent steamship agencies serving tramp vessels on the Columbia river. One member with maritime, marine labor, or marine spill cleanup experience and one member from the environmental community with marine experience shall be appointed from the public by the governor."

On page 5, line 22, after "Puget Sound," insert "the United States coast guard captain of the port for that portion of the Columbia river that runs between Washington and Oregon."

On page 5, line 22, after "and a" strike "licensed steamship pilot" and insert "state pilot licensed under chapter 88.16 RCW."

On page 5, line 24, after "members." insert "The state-licensed pilot shall be selected by the Washington state board of pilotage commissioners."

On page 4, line 13 after "chapter" insert ", except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon"

On page 4, line 21 after "system" insert ", except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon."

On page 4, line 30 after "centers" insert a new paragraph to read as follows:

The commission may establish, by or before July 1, 1992, an oil spill first response system for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon"

On page 5, line 7 after "commission" insert ", except for vessels operating on the portion of the Columbia river that runs between the states of Washington and Oregon. The commission shall develop an oil spill contingency plan for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon, not later than January 1, 1993"

On page 8, line 31 after "herein" insert "and not including vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon"

On page 9, line 11 after "chapter." insert a new paragraph to read as follows:

"There may be levied on and after January 1, 1992, an assessment upon all vessels, or the owners or operators thereof, which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon."

On page 12, line 11 after "effect" strike the remaining material and insert "July 1, 1991; except as otherwise provided in section 3(5), (10), and (15), and section 11 of this act."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6701.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Substitute Senate Bill No. 6701.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6701.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6701, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6701, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Amondson, Barr, Bluechel, DeJarnatt, Johnson, McCaslin, Sellar, Vognild, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 6701, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6713 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that the majority of the litter found in the state's streams, rivers, and marine waters, and their adjoining tide and shorelands, consist of polystyrene foam bait containers.

These persistent and nonbiodegradable containers provide a significant threat to the fisheries and wildlife resources of the state. These containers are a source of aesthetic degradation and affects the recreational use of our state waterways.

NEW SECTION. Sec. 2. A new section is added to chapter 70.95 RCW to read as follows:

(1) Effective January 1, 1991, the sale in the regular course of business of fishing bait in containers made of, or packaged in, polystyrene foam is prohibited. Containers for natural or preserved bait including but not limited to: Salmon eggs, sand shrimp, fresh or frozen herring, anchovies, smelt, worms, grubs, maggots, and other natural baits are included in this prohibition.

(2) A violation of this section is punishable by a civil penalty which shall be not less than two hundred dollars nor more than two thousand dollars for each offense."

On page 1, line 2 of the title, after "containers;" strike the remainder of the title and insert "adding a new section to chapter 70.95 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6713.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate do concur in the House amendments to Substitute Senate Bill No. 6713.

The motion by Senator Metcalf carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6713 on a rising vote.

POINT OF INQUIRY

Senator Saling: "Senator Owen, would the passage of this measure encourage people to use rusty old tin cans or plastic bags in lieu of the containers that we are trying to outlaw here?"

Senator Owen: "It would encourage them to use other than styrofoam--well it wouldn't encourage the user to do anything with them, because the only person that is responsible in the bill is the retailer--not the manufacturer, not the wholesaler, and not the person who uses it and takes it on the river--only the retailer is responsible in this bill, so it doesn't do anything about getting to the styrofoam on the river."

Senator Saling: "But if a person can't buy them in that container, they may buy them in a plastic bag or a tin can which might be even more hazardous to ones health than--"

Senator Owen: "Or they could buy it and put it in a styrofoam container."

POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, this will in no way prohibit the use of glass for containing bait will it?"

Senator Owen: "No."

Senator Rasmussen: "And it won't prohibit them from throwing glass in the river wherever they may be using it--fishing in the ocean or the--? One of the problems, Senator Owen, is glass when it is broken, it cuts your feet, it cuts your boots, but you can still use it?"

Senator Owen: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6713, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6713, as amended by the House, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 16; excused, 9.

Voting yea: Senators Bailey, Bender, Conner, Fleming, Gaspard, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Patrick, Rinehart, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 24.

Voting nay: Senators Anderson, Bauer, Benitz, Cantu, Craswell, Hansen, Hayner, Madsen, Matson, Newhouse, Owen, Patterson, Rasmussen, Saling, Stratton, Wojahn - 16.

Excused: Senators Amondson, Barr, Bluechel, DeJarnatt, Johnson, McCaslin, Sellar, Vognild, Warnke - 9.

SUBSTITUTE SENATE BILL NO. 6713, as amended by the House, having failed to receive the constitutional majority, was declared lost.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6663 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The department may create, design, and issue special license plates, upon terms and conditions as may be established by the department, that may be used in lieu of regular or personalized license plates upon vehicles. The special plates may denote the age or type of vehicle or may denote special activities or interests, status, or contribution or sacrifice for the United States, the state of Washington, or the citizens of the state of Washington, of a registered owner of that vehicle.

(2) The department has the sole discretion to determine whether or not to create, design, or issue any series of special license plates and whether any activity, status, contribution, or sacrifice merits the issuance of a series of special license plates. In making this determination, the department shall consider whether or not an activity or interest proposed contributes or has contributed significantly to the public health, safety, or welfare of the citizens of the United States or of this state or to their significant benefit, or whether the activity, interest, contribution, or sacrifice is recognized by the United States, this state, or other states, in other settings or contexts. The department may also consider the potential number of persons who may be eligible for the plates and the cost and efficiency of producing limited numbers of the plates. The design of a special license plate shall conform to all requirements for plates for the type of vehicle for which it is issued, as provided elsewhere in this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

The department shall continue to issue, under section 1 of this act and the department's rules implementing sections 1 through 9 of this act, the categories of special plates issued by the department under the sections repealed under section 13 (1) through (7) of this act. Special license plates issued under those repealed sections before January 1, 1991, are valid to the extent and under the conditions provided in those repealed sections. The following conditions, limitations, or requirements apply to certain special license plates issued after January 1, 1991:

(1) A horseless carriage plate and a plate or plates issued for collectors' vehicles more than thirty years old, upon payment of the initial fees required by law and the additional special license plate fee established by the department, are valid for the life of the vehicle for which application is approved by the department. When a single plate is issued, it shall be displayed on the rear of the vehicle.

(2) The department may issue special license plates denoting amateur radio operator status only to persons having a valid official radio operator license issued for a term of five years by the federal communications commission.

(3) The department shall issue one set of special license plates to each resident of this state who has been awarded the Congressional Medal of Honor for use on a passenger vehicle registered to that person. The department shall issue the plate without the payment of any fees.

(4) The department may issue for use on only one motor vehicle owned by the qualified applicant special license plates denoting that the recipient of the plate is a survivor of the attack on Pearl Harbor on December 7, 1941, to persons meeting all of the following criteria:

(a) Is a resident of this state;

(b) Was a member of the United States Armed Forces on December 7, 1941;

(c) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(d) Received an honorable discharge from the United States Armed Forces; and

(e) Is certified by a Washington state chapter of the Pearl Harbor survivors association as satisfying the qualifications in (c) of this subsection.

The department may issue such plates to the surviving spouse of any deceased Pearl Harbor survivor who met the requirements of this subsection. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular plates. The surviving spouse must be a resident of this state.

The department shall issue these plates upon payment by the applicant of all other license fees, but the department may not set or charge an additional fee for these special license plates under section 4 of this act.

(5) The department shall replace, free of charge, special license plates issued under subsections (3) and (4) of this section if they are lost, stolen, damaged, defaced, or destroyed. Such plates shall remain with the persons upon transfer or other disposition of the vehicle for which

they were initially issued, and may be used on another vehicle registered to the recipient in accordance with the provisions of section 5(1) of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:

Persons applying to the department for special license plates shall apply on forms obtained from the department and in accordance with RCW 46.16.040. The applicant shall provide all information as is required by the department in order to determine the applicant's eligibility for such special license plates and for administration of sections 1 through 9 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

The department may establish a fee for the issuance of each type of special license plate or plates in an amount calculated to offset the cost of production of the special license plate or plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

NEW SECTION. Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

Except as provided in section 2 of this act:

(1) When a person who has been issued a special license plate or plates under section 1 of this act sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of five dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

NEW SECTION. Sec. 6. A new section is added to chapter 46.16 RCW to read as follows:

(1) The department shall issue upon payment of a fee and proof from an honorably discharged veteran, a remembrance emblem depicting a tribute or message and the American flag.

(2) Veterans who served in our nation's wars and conflicts can, upon request and payment of a fee and proof of service, receive a remembrance emblem depicting the campaign ribbon the veteran was awarded. Only the following campaign ribbon remembrance emblems will be available: World War I victory medal; Asiatic-Pacific campaign medal, WWII; European-African-Middle East campaign medal, WWII; American campaign medal, WWII; Korean service medal; Vietnam service medal; Armed Forces Expeditionary, after 1958.

(3) The remembrance emblem will be displayed upon vehicle license plates in the manner prescribed by the department.

(4) A veteran requesting a remembrance emblem from the department shall provide a copy of his or her discharge papers (DD-214) along with payment of the fee. A veteran requesting a remembrance emblem must be a legal or registered owner of the vehicle on which remembrance emblems are to be displayed.

NEW SECTION. Sec. 7. A new section is added to chapter 46.16 RCW to read as follows:

Any institution of higher education as defined in RCW 28B.10.016 may petition the department to create, design, and issue to that institution a vehicle license plate emblem series that identifies that institution or one of its purposes, programs, projects, or causes. The vehicle license plate emblem issued by the department may display a mascot, slogan, message, or symbol that can be displayed on a vehicle license plate or plates in the manner prescribed by the department. The department has sole discretion in approving or disapproving institutions for participation in the vehicle license plate emblem program. The department also has the sole discretion to determine the significance of the purpose, program, project, or cause and if it merits recognition by issuance of a vehicle license plate emblem.

Application to the department is the exclusive method for an institution to request issuance of a special vehicle license plate emblem series or to obtain such emblems for distribution by approved institutions. All applicants shall apply to the department on a form obtained from the department.

Any approved institution may collect additional fees from any person as a condition for receiving an emblem, to be used for the purposes of the approved institution.

NEW SECTION. Sec. 8. A new section is added to chapter 46.16 RCW to read as follows:

Vehicle license plate emblems and veteran remembrance emblems shall use fully reflectorized materials designed to provide visibility at night. Emblems shall be designed to be affixed to a vehicle license number plate by pressure-sensitive adhesive so as not to obscure the plate identification numbers or letters.

Emblems will be issued for display on the front and rear license number plates. Single emblems will be issued for vehicles authorized to display one license number plate.

NEW SECTION. Sec. 9. A new section is added to chapter 46.16 RCW to read as follows:

(1) The director may adopt fees to be charged by the department for emblems issued by the department under sections 6 and 7 of this act.

(2) The fee for each remembrance emblem issued under section 6 of this act shall be in an amount sufficient to offset the costs of production of remembrance emblems and the administration of that program by the department plus an amount for use by the department of veterans' affairs, not to exceed a total fee of twenty-five dollars per emblem. The fee for each special vehicle license plate emblem issued under section 7 of this act shall be an amount sufficient to offset the cost of production of the emblems and of administering the special vehicle license plate emblem program.

(3) The veterans' emblem account is created in the custody of the state treasurer. All receipts by the department from the issuance of remembrance emblems under section 6 of this act shall be deposited into this fund. Expenditures from the fund may be used only for the costs of production of remembrance emblems and administration of the program by the department of licensing, with the balance used only by the department of veterans' affairs for projects that pay tribute to those living veterans and to those who have died defending freedom in our nation's wars and conflicts and for the upkeep and operations of existing memorials, as well as for planning, acquiring land for, and constructing future memorials. Only the director of licensing, the director of veterans' affairs, or their designees may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(4) The special vehicle license plate emblem account is established in the state treasury. Fees collected by the department for emblems issued under section 7 of this act shall be deposited into the special vehicle license plate emblem account to be used only to offset the costs of administering the special vehicle license plate emblem program.

NEW SECTION. Sec. 10. A new section is added to chapter 46.16 RCW to read as follows:

The director shall adopt rules to implement sections 1 through 9 of this act, including setting of fees.

Sec. 11. Section 46.16.350, chapter 12, Laws of 1961 as last amended by section 49, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.350 are each amended to read as follows:

Any radio amateur operator who holds a special call letter license plate as issued under ~~((the provisions of RCW 46.16.320 through 46.16.350))~~ sections 1 through 5 of this act, and who has allowed his or her federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his or her call letter license plate. Failure to do so is a traffic infraction.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 46.16.310, chapter 12, Laws of 1961, section 1, chapter 114, Laws of 1971 ex. sess., section 1, chapter 143, Laws of 1982, section 1, chapter 15, Laws of 1988 and RCW 46.16.310;

(2) Section 2, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.311;

(3) Section 3, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.315;

(4) Section 46.16.320, chapter 12, Laws of 1961, section 21, chapter 32, Laws of 1967, section 80, chapter 145, Laws of 1967 ex. sess., section 1, chapter 206, Laws of 1969 ex. sess., section 10, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.320;

(5) Section 46.16.330, chapter 12, Laws of 1961, section 22, chapter 32, Laws of 1967 and RCW 46.16.330;

(6) Section 1, chapter 77, Laws of 1979 ex. sess. and RCW 46.16.620;

(7) Section 1, chapter 44, Laws of 1987 and RCW 46.16.625; and

(8) Section 2, chapter 280, Laws of 1986 and RCW 46.16.660.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 through 9, and 11 through 13 of this act shall take effect on January 1, 1991. Section 10 of this act shall take effect on July 1, 1990.

On page 1, line 2 of the title, after "emblems;" strike the remainder of the title and insert "amending RCW 46.16.350; adding new sections to chapter 46.16 RCW; repealing RCW 46.16.310, 46.16.311, 46.16.315, 46.16.320, 46.16.330, 46.16.620, 46.16.625, and 46.16.660; and providing effective dates."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Patterson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6663 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6663 and the House amendments thereto: Senators Patterson, Rasmussen and Thorsness.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6797 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. LEGISLATIVE FINDINGS. The legislature finds that the marine waters of Washington state are capable of supporting many forms of aquaculture, including the culturing of salmon, mussels, seaweed, oysters, and other marine species. However, in order to protect existing biological systems, protect public enhancement opportunities, and reduce conflicts with existing water uses, it is critical that aquaculture projects be appropriately sited, designed, and operated.

The legislature further finds that considerable controversy has occurred when marine fin fish net pen projects have been proposed, and that it is in the best interest of the state to find ways to minimize this conflict, reduce adverse impacts on the marine environment, and reduce adverse impacts on other uses and activities. The legislature further finds that actions are needed to increase predictability and consistency, and expedite the decision-making process for marine net pen projects.

NEW SECTION, Sec. 2. COUNCIL CREATED—SCOPE. The fisheries 2000 council on floating marine fin fish is hereby created. The council shall be coordinated by the department of natural resources to provide the legislature, state agencies, and local jurisdictions with recommendations on siting fin fish net pen projects in marine waters of the state, while minimizing or eliminating adverse biological effects and conflicts with other uses and activities.

NEW SECTION, Sec. 3. COUNCIL MEMBERSHIP. (1) The council shall include one representative from the following interests, governmental agencies, and organizations: Department of natural resources, department of ecology, department of fisheries, department of agriculture, University of Washington college of ocean and fisheries science, counties, marine fin fish growers, environmentalists, shoreline property owners, Indian tribes, marine sport anglers, and the commercial fishing industry.

(2) The agencies listed in subsection (1) of this section shall work with recognized organizations and associations that represent the interests listed in subsection (1) of this section in the selection of representatives. Every attempt shall be made to encourage recognized organizations and associations to appoint their own representative. If these organizations and associations have not identified a representative within twenty days of the effective date of this act, or if more than one representative is nominated, the department of natural resources and the other agencies listed in subsection (1) of this section will jointly make appointments within thirty days of the effective date of this act.

(3) The council shall be coordinated and chaired by the department of natural resources. The department shall use a collaborative process that is fair to all interests, and shall attempt to reach outcomes that are supported by all participants.

NEW SECTION, Sec. 4. COUNCIL RESPONSIBILITIES. (1) The council shall prepare an action plan that will include recommended changes in law, rule, policy, and procedures. The action plan's objective shall be the development of a consistent, predictable framework for the appropriate siting, regulation, and monitoring of floating fin fish net pens, and the clarification of roles and responsibilities of federal, state, and local decision makers. In preparing this action plan, the council shall:

(a) Identify biological impacts and use conflicts associated with marine fin fish net pens as documented in available sources of information;

(b) Review existing federal, state, and local policies, procedures, rules, and statutes regarding marine fin fish net pens in Washington state;

(c) Review existing policies, procedures, rules, and statutes regarding marine fin fish net pens in other states and nations;

(d) Review the economic costs and benefits of marine fin fish net pens to the state and its citizens; and

(e) Address siting of net pens for enhancement of the state's public fishery resource, and resolution of possible siting conflicts with private net pen projects.

(2) In carrying out its responsibilities, the council shall provide opportunities for public participation. At a minimum, the council shall conduct public meetings during its initial fact-finding phase, and after a draft action plan is developed.

NEW SECTION, Sec. 5. FINAL REPORT AND ACTION PLAN. The council shall present the action plan required in section 4 of this act to the legislature, governor, state agency directors, and local governments by November 15, 1990.

NEW SECTION, Sec. 6. TERMINATION OF COUNCIL. The council shall cease to exist on June 30, 1991.

NEW SECTION, Sec. 7. CAPTIONS NOT LAW. Section headings as used in this act do not constitute any part of the law."

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "and creating new sections."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

POINT OF ORDER

Senator Metcalf: "A point of order, Mr. President. I raise the question of scope and object on the House amendments to Engrossed Senate Bill No. 6797. The House striking amendment deals with establishing a new council for aquaculture siting for private profit--net pen projects--in marine waters for a one year period and proposing a twelve member council composed of people in organizations which are interested in aquaculture development for private gain. The original bill deals with establishing a new council for enhancement of anadromous and resident fish populations for the public fisheries through the year 2010 and beyond. A forty-seven member council was composed of all groups of fishermen and the public who are interested in enhancement of the public fishery and the preservation of habitat, wild and hatchery fish runs and fostering cooperation between Indian Tribes, commercial fishermen and recreational fishermen. I submit then that these amendments do greatly change the scope and object of Engrossed Senate Bill No. 6797 and should be so ruled."

Debate ensued.

There being no objection, the President deferred further consideration of Engrossed Senate Bill No. 6797.

There being no objection, the Senate resumed consideration of the Message from the House on Engrossed Second Substitute Senate Bill No. 6610 and the pending Sections 20 and 21, of the House striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Niemi, the President finds that Engrossed Second Substitute Senate Bill No. 6610 is a measure creating the Family Reconciliation Act which addresses problems related to at-risk youth, by establishing a legal process to assist parents in dealing with children under eighteen years old who absent themselves from the home, are endangering themselves or another person, or are suffering from a serious abuse problem for which no criminal charges are pending.

"Sections 20 and 21, of the House amendment, would make changes to the mental illness laws dealing with conditions for involuntary commitment and the age of consent for certain mental illness treatment situations:

"The President, therefore, finds that Sections 20 and 21 do change the scope and object of the bill and that the point of order is well taken."

Sections 20 and 21, of the House amendment, to Engrossed Second Substitute Senate Bill No. 6610 were ruled out of order.

MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 6610, with the exception of Sections 20 and 21, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

Mr. President:

March 1, 1990

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6726 with the following amendments:

On page 4, after line 9, insert the following:

"Sec. 6. Section 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 36, Laws of 1988, section 1, chapter 219, Laws of 1988, section 1, chapter 223, Laws of 1988, and by section 10, chapter 263, Laws of 1988 and RCW 9.41.070 are each reenacted and amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his or her person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such applicant's constitutional right to bear arms shall not be denied to him, unless he or she:

- (a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or
- (b) Is under twenty-one years of age; or
- (c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or
- (d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or
- (e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d) within one year before filing an application to carry a pistol concealed on his person.

The license shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years.

(2) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the license shall:

- (a) On the first forfeiture, be revoked by the department of licensing for one year;
- (b) On the second forfeiture, be revoked by the department of licensing for two years;
- (c) On the third or subsequent forfeiture, be revoked by the department of licensing for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.

The license shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the name, address, and description, fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's place of birth, whether the applicant is a United States citizen, and if not a citizen whether the applicant has declared the intent to become a citizen and whether he or she has been required to register with the state or federal government and any identification or registration number, if applicable. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. An applicant who is not a citizen shall provide documentation showing resident alien status and the applicant's intent to become a citizen. A person who makes a false statement regarding citizenship on the application is guilty of a misdemeanor. A person who is not a citizen of the United States, or has not declared his or her intention to become a citizen shall meet the additional requirements of RCW 9.41.170.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(3) The fee for the original issuance of a four-year license shall be twenty-three dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

- (a) Four dollars shall be paid to the state general fund;
- (b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Three dollars to the firearms range account in the (~~wildlife~~) general fund.

(4) The fee for the renewal of such license shall be fifteen dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund:

(b) Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the (~~wildlife~~) general fund.

(5) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(6) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (4) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(7) Notwithstanding the requirements of subsections (1) through (6) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(8) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section or chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action."

Renumber the following sections consecutively.

On page 1, line 1 of the title, after "facilities;" insert "reenacting and amending RCW 9.41.070;".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6726.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6726, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6726, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; excused, 9.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators Nelson, Saling - 2.

Excused: Senators Amondson, Barr, Bluechel, DeJarnatt, Johnson, McCaslin, Sellar, Vognild, Warnke - 9.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6726, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1307 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Phillips and Holland.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on House Bill No. 1307 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1307 and the Senate amendments thereto: Senators Craswell, Niemi and Bailey.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2403 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rector, Todd and Mclean.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute House Bill No. 2403 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 2403 and the Senate amendments thereto: Senators Thorsness, Madsen and Bailey.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dellwo, P. King and Smith.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2430 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2430 and the Senate amendments thereto: Senators von Reichbauer, McMullen and Anderson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6434 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

Bicycling is popular for all ages. Almost all families now have bicycles. Bicycling takes more skill than most people realize. Since bicyclists have a low profile in traffic and are unprotected, they need more defensive riding skills than motorists do.

A bicycle awareness program is created within the Washington state patrol. In developing the curriculum for the bicycle awareness program the patrol shall consult with the traffic safety commission and with bicycling groups currently providing bicycle safety education. The patrol shall conduct the program in conjunction with the safety education officer program and may use other law enforcement personnel and volunteers to implement the program for children in grades kindergarten through six. The patrol shall ensure that each safety educator presenting the bicycle awareness program has received specialized training in bicycle safety education and has been trained in effective defensive bicycle riding skills.

Sec. 2. Section 46.04.670, chapter 12, Laws of 1961 as amended by section 4, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.670 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, ~~((excepting)) including bicycles, but not including devices other than bicycles~~ moved by human or animal power or used exclusively upon stationary rails or tracks, except that mopeds shall be considered vehicles or motor vehicles for the purposes of chapter 46.12 RCW, but not for the purposes of chapter 46.70 RCW, and bicycles shall not be considered vehicles for the purposes of chapter 46.12 or 46.70 RCW.

Sec. 3. Section 92, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.990 are each amended to read as follows:

Sections 1 through 52 and 54 through 86 of ~~((this amendatory act)) chapter 155, Laws of 1965 ex. sess.~~ are added to chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 54, 55, and 63 as herein amended and RCW 46.48.012, 46.48.014, 46.48.015, 46.48.016, 46.48.023, 46.48.025, 46.48.026, 46.48.041, 46.48.046, 46.48.050, 46.48.060, 46.48.080, 46.48.110, 46.48.120, 46.48.150, 46.48.160, 46.48.340, 46.56.030, 46.56.070, 46.56.100, 46.56.130, 46.56.135, 46.56.190, 46.56.200, 46.56.210, 46.56.220, 46.56.230, 46.56.240, 46.60.260, 46.60.270, 46.60.330, and 46.60.340 shall be recodified as and be a part of said chapter. The sections of the new chapter shall be organized under the following captions: "OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS", "TRAFFIC SIGNS, SIGNALS AND MARKINGS", "DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING—USE OF ROADWAY", "RIGHT OF WAY", "PEDESTRIANS' RIGHTS AND DUTIES", "TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING", "SPECIAL STOPS REQUIRED", "SPEED RESTRICTIONS", "RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE BY VEHICLE", "STOPPING, STANDING AND PARKING", "MISCELLANEOUS RULES", and "OPERATION OF ~~((BICYCLES AND PLAY))~~ NONMOTORIZED VEHICLES". Such captions shall not constitute any part of the law.

NEW SECTION, Sec. 4. The installation of painted reflective stripes along the right edge of roadways can enhance both bicycle and pedestrian safety, but certain types of reflective materials, such as raised pavement markers can cause bicyclists to lose control of their vehicles and fall into the path of oncoming motor vehicle traffic. Therefore it is appropriate to develop uniform guidelines for the installation of reflective edgestripes along urban and rural arterials.

NEW SECTION, Sec. 5. A new section is added to chapter 47.36 RCW to read as follows:

The department of transportation shall, by January 1, 1991, adopt uniform edgestriping standards for principal and minor arterials and collector streets that do not have curbs or sidewalks and are inside urbanized areas or in other areas deemed appropriate by the department. Such arterial and collector streets shall be edgestriped in accordance with the standards by July 1, 1993. The standards shall not require edgestriping in any situation where the result would be a remaining lane width of eight feet, six inches.

For the purposes of this section, "urbanized area" means an area designated as such by the United States bureau of census and having a population of more than fifty thousand. Other jurisdictions which install edgestriping material shall do so in a manner not in conflict with the uniform state standard.

Sec. 6. Section 46.37.480, chapter 12, Laws of 1961 as last amended by section 6, chapter 227, Laws of 1988 and RCW 46.37.480 are each amended to read as follows:

(1) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

(2) No person shall operate any bicycle or motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds to both ears. This subsection does not apply to students and instructors participating in a Washington state motorcycle safety program.

(3) This section does not apply to authorized emergency vehicles.

NEW SECTION. Sec. 7. A new section is added to chapter 43.59 RCW to read as follows:

Bicycling is increasing in our state. What used to be simply a children's activity is now a common form of transportation and recreation for children, adults, and families. Increased bicycling has many benefits: It is healthy, nonpolluting, energy efficient, and does not cause wear to the road system. Bicycling is an enjoyable activity that people with a wide range of physical abilities can share. The creation of the state bicycle program specified in section 10 of this act is essential to further the benefits of bicycling to the residents of the state.

NEW SECTION. Sec. 8. A new section is added to chapter 43.59 RCW to read as follows:

(1) The Washington state traffic safety commission is responsible for the initiation and operation of a bicycle program.

(2) To assist the commission in the operation of the bicycle program, a full-time staff position of state bicycle coordinator is established. The coordinator shall be appointed by the commission and paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

(3) The state bicycle coordinator shall coordinate bicycle safety related programs and bicycle tourism programs in all state agencies, encourage the use of bicycling for transportation, assist the department of transportation, and the cities and counties of the state in prioritizing, programming, and developing bicycle-related projects.

NEW SECTION. Sec. 9. A new section is added to chapter 43.59 RCW to read as follows:

The state bicycle coordinator shall:

- (1) Gather bicycle program information and resources;
- (2) Plan bicycle programs;
- (3) Work with other state agencies to develop bicycle programs;
- (4) Provide assistance in revising and updating superintendent of public instruction and state patrol bicycle material; and
- (5) Develop a grant program to distribute funds to local agencies in areas with high bicycle accident rates to create bicycle programs.

NEW SECTION. Sec. 10. Section 1 of this act shall take effect September 1, 1991, but the chief of the Washington state patrol may take any action before that date to ensure that the section is implemented on its effective date. Sections 7 through 9 of this act shall take effect July 1, 1990.

On line 1 of the title, after "safety," strike the remainder of the title and insert "amending RCW 46.04.670, 46.61.990, and 46.37.480; adding a new section to chapter 47.36 RCW; adding a new section to chapter 43.43 RCW; adding new sections to chapter 43.59 RCW; creating a new section; and providing effective dates."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Patterson moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6434.

Debate ensued.

MOTION

On motion of Senator Hayner, further consideration of Engrossed Substitute Senate Bill No. 6434 was deferred.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SENATE BILL NO. 6727 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 27, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.90.210 are each amended to read as follows:

All sales of tidelands and shorelands belonging to the state, otherwise permitted by RCW 79.94.150 to be sold, shall be at public auction and all sales of valuable materials shall be at public auction or by sealed bid to the highest responsible bidder, on the terms prescribed by

law and as specified in the notice provided, and no land or materials shall be sold for less than their appraised value: PROVIDED, That when valuable material has been appraised at an amount not exceeding ~~((twenty))~~ one hundred thousand dollars, the department of natural resources, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the department may prescribe, after the department shall have caused to be published not less than ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to the property to be sold ~~((PROVIDED FURTHER, THAT))~~. However, any sale of valuable material on aquatic lands of an appraised value of ~~((one))~~ ten thousand dollars or less may be sold directly to the applicant for cash without notice or advertising.

NEW SECTION, Sec. 2. A new section is added to chapter 79.90 RCW to read as follows:

(1) To determine the "highest responsible bidder" under RCW 79.90.210, the department of natural resources shall be entitled to consider, in addition to price, the following:

(a) The financial and technical ability of the bidder to perform the contract;

(b) Whether the bid contains material defects;

(c) Whether the bidder has previously or is currently complying with terms and conditions of any other contracts with the state or relevant contracts with entities other than the state;

(d) Whether the bidder has been convicted of a crime relating to the public lands or natural resources of the state of Washington, the United States, or any other state, tribe, or country, where "conviction" shall include a guilty plea, or unvacated forfeiture of bail;

(e) Whether the bidder is owned, controlled, or managed by any person, partnership, or corporation that is not responsible under this statute; and

(f) Whether the subcontractors of the bidder, if any, are responsible under this statute.

(2) Whenever the department has reason to believe that the apparent high bidder is not a responsible bidder, the department may award the sale to the next responsible bidder or the department may reject all bids pursuant to RCW 79.90.240.

Sec. 3. Section 30, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.90.240 are each amended to read as follows:

(1) A sale of valuable materials or tidelands or shorelands otherwise permitted by RCW 79.94.150 to be sold shall be confirmed if:

(a) No affidavit showing that the interest of the state in such sale was injuriously affected by fraud or collusion, ~~((shall be))~~ is filed with the commissioner of public lands within ten days from the receipt of the report of the auctioneer conducting the sale ~~((of any tidelands or shorelands belonging to the state, otherwise permitted by RCW 79.94.150 to be sold, or valuable materials located within or upon any aquatic lands, and))~~;

(b) It shall appear from such report that the sale was fairly conducted, that the purchaser was the highest responsible bidder at such sale, and that ~~((his bid was))~~ the sale price is not less than the appraised value of the property sold ~~((-if))~~;

(c) The commissioner ~~((shall be))~~ is satisfied that the lands ~~((:))~~ or material ~~((:))~~ sold would not, upon being readvertised and offered for sale, sell for ~~((at least ten percent more than the price at which it shall have been sold:))~~ a substantially higher price; and

(d) The payment required by law to be made at the time of making the sale ~~((:))~~ has been made, and that the best interests of the state may be subserved thereby ~~((:))~~;

(2) Upon confirming a sale, the commissioner shall enter upon his records ~~((a))~~ the confirmation of sale and thereupon issue to the purchaser a contract of sale or bill of sale as the case may be, as is provided for in this chapter.

Sec. 4. Section 141, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.080 are each amended to read as follows:

(1) Geoducks shall be sold as valuable materials under the provisions of chapter 79.90 RCW. After confirmation of the sale, the department of natural resources may enter into ~~((leases or harvesting))~~ an agreement ~~((s))~~ with the purchaser for the harvesting of geoducks. The department of natural resources may place terms and conditions in the ~~((leases or))~~ harvesting agreements as the department deems necessary. The department of natural resources may enforce the provisions of any ~~((lease or))~~ harvesting agreement by suspending or canceling the ~~((lease or))~~ harvesting agreement or through any other means contained in the ~~((lease or))~~ harvesting agreement. ~~((The department of natural resources may cancel any lease or harvesting agreement upon receiving a report from the department of fisheries of the person's second violation of the geoduck licensing or harvesting provisions under Title 75 RCW.))~~ Any ~~((lessee))~~ geoduck harvester may terminate a ~~((lease))~~ harvesting agreement entered into pursuant to this subsection if actions of a governmental agency, beyond the control of the ~~((lessee))~~ harvester, its agents, or its employees, prohibit harvesting, for a period exceeding thirty days ~~((:))~~ during the term of the harvesting agreement, except as provided within the agreement. Upon such termination of the ~~((lease))~~ agreement by the harvester, the ~~((lessee))~~ harvester shall be reimbursed by the ~~((lessor))~~ department of natural resources for the cost paid to the department on the ~~((lease))~~ agreement, less the value of the harvest already accomplished by the ~~((lessee or the leasehold))~~ harvester under the agreement.

(2) ~~((After May 6, 1979, all leases or))~~ Harvesting agreements under this title for the purpose of harvesting geoducks ~~((clams))~~ shall require the ~~((lessee))~~ harvester and the ~~((lessee's))~~

harvester's agent or representatives to comply with all applicable commercial diving safety standards and regulations promulgated and implemented by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists ~~((on July 1, 1983))~~ or as hereafter amended (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.); PROVIDED, That for the purposes of this section and RCW 75.24.100 as now or hereafter amended, all persons who dive for geoducks are deemed to be employees as defined by the federal occupational safety and health act. All ~~((leases))~~ harvesting agreements shall provide that failure to comply with these standards is cause for suspension or cancellation of the ~~((lease))~~ harvesting agreement; PROVIDED FURTHER, That for the purposes of this subsection if the ~~((lessee is the holder of a tract license and))~~ harvester contracts with another person or entity for the harvesting of geoducks, the ((lease)) harvesting agreement shall not be suspended or canceled if the ((lessee)) harvester terminates its business relationship with such entity until compliance with ((the)) this subsection is secured.

Sec. 5. Section 5, chapter 141, Laws of 1979 ex. sess. as amended by section 129, chapter 46, Laws of 1983 1st ex. sess. and RCW 79.96.085 are each amended to read as follows:

The department of natural resources shall designate the areas of aquatic lands owned by the state ~~((which))~~ that are available for geoduck harvesting by licensed geoduck harvesters in accordance with ~~((RCW 79.01.124))~~ chapter 79.90 RCW.

Sec. 6. Section 4, chapter 253, Laws of 1969 ex. sess. as last amended by section 13, chapter 316, Laws of 1989 and RCW 75.28.287 are each amended to read as follows:

~~((1))~~ A geoduck tract license is required for the commercial harvest of geoducks from each subtidal tract for which harvest rights have been granted by the department of natural resources. Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065, the annual license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

~~((2))~~ Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nontransferable geoduck diver license.

Sec. 7. Section 7, chapter 141, Laws of 1979 ex. sess. as last amended by section 4, chapter 80, Laws of 1984 and RCW 75.10.140 are each amended to read as follows:

(1) In addition to the penalties prescribed in RCW 75.10.110 and 75.10.120, the director may revoke geoduck diver licenses ~~((or geoduck tract licenses))~~ held by a person if:

~~((a))~~ within a five-year period that person is convicted or has an unvacated bail forfeiture for two or more violations of this title or rules of the director relating to geoduck licensing or harvesting~~((or~~

~~((b))~~ The department of natural resources suspended or canceled the lease or harvesting agreement under RCW 79.96.080.

~~((2))~~ When a geoduck tract licensee permits a person to harvest geoducks on that tract, each violation by that person of this title or rules of the director relating to geoduck licensing or harvesting resulting in: (a) Conviction or unvacated forfeiture of bail; or (b) suspension or cancellation of the lease or harvesting agreement by the department of natural resources under RCW 79.96.080; shall be imputed to the tract licensee for the purpose of computing the number of violations by the tract licensee under subsection (1) of this section).

~~((3))~~ (2) Except as provided in subsection ~~((4))~~ (3) of this section, the director shall not issue a geoduck diver license ((or geoduck tract license)) to a person who has had a license revoked. This prohibition is effective for one year after the revocation.

~~((4))~~ (3) Appeals of revocations under this section may be taken under the judicial review provisions of chapter 34.05 RCW. If the license revocation is determined to be invalid, the director shall reissue the license to that person.

NEW SECTION. Sec. 8. A new section is added to chapter 79.01 RCW to read as follows:

The department of natural resources is authorized to offer and pay a reward not to exceed one thousand dollars in each case for information regarding violations of any statute or rule adopted pursuant to any statute relating to the state's public lands and natural resources including, but not limited to, Titles 75, 76, 78, and 79 RCW, and any rule adopted pursuant thereto. No reward may be paid to any federal, state, or local government or agency employees for information obtained by them in the normal course of their employment. The department of natural resources is authorized to promulgate rules in pursuit of its authority under this section to determine the appropriate account or fund from which to pay the reward. No appropriation shall be required for disbursement.

NEW SECTION. Sec. 9. A new section is added to chapter 79.96 RCW to read as follows:

(1) If a person wrongfully takes shellfish or causes shellfish to be wrongfully taken from the public lands and the wrongful taking is intentional and knowing, then the person shall be liable for damages of treble the fair market retail value of the amount of shellfish wrongfully taken. If a person wrongfully takes shellfish from the public lands under other circumstances, then the person shall be liable for damages of double the fair market value of the amount of shellfish wrongfully taken.

(2) For purposes of this section, a person "wrongfully takes" shellfish from public lands if the person takes shellfish: (a) Above the limits of any applicable laws that govern the harvest of shellfish from public lands; (b) without reporting the harvest to the department of fisheries or the

department of natural resources where such reporting is required by law or contract; (c) outside the area or above the limits that an agreement or contract from the department of natural resources allows the harvest of shellfish from public lands; or (d) without a lease or purchase of the shellfish where such lease or purchase is required by law prior to harvest of the shellfish.

(3) The remedies in this section are for civil damages and shall be proved by a preponderance of the evidence. The department of natural resources may file a civil action in Thurston county superior court or the county where the shellfish were taken against any person liable under this section. Damages recovered under this section shall be applied in the same way as received under geoduck harvesting agreements authorized by RCW 79.96.080.

(4) For purposes of the remedies created by this section, the amount of shellfish wrongfully taken by a person may be established either:

(a) By surveying the aquatic lands to reasonably establish the amount of shellfish taken from the immediate area where a person is shown to have been wrongfully taking shellfish;

(b) By weighing the shellfish on board any vessel or in possession of a person shown to be wrongfully taking shellfish; or

(c) By any other evidence that reasonably establishes the amount of shellfish wrongfully taken.

The amount of shellfish established by (a) or (b) of this subsection shall be presumed to be the amount wrongfully taken unless the defendant shows by a preponderance of evidence that the shellfish were lawfully taken or that the defendant did not take the shellfish presumed to have been wrongfully taken. Whenever there is reason to believe that shellfish in the possession of any person were wrongfully taken, the department of natural resources or the department of fisheries may require the person to proceed to a designated off-load point and to weigh all shellfish in possession of the person or on board the person's vessel.

(5) This civil remedy is supplemental to the state's power to prosecute any person for theft of shellfish, for other crimes where shellfish are involved, or for violation of regulations of the department of fisheries."

On page 1, line 2 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 79.90.210, 79.90.240, 79.96.080, 79.96.085, 75.28.287, and 75.10.140; adding a new section to chapter 79.01 RCW; adding a new section to chapter 79.90 RCW; adding a new section to chapter 79.96 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Senate Bill No. 6727.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6727, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6727, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent, 1; excused, 10.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 38.

Absent: Senator Matson - 1.

Excused: Senators Amondson, Barr, Bluechel, DeJarnatt, Johnson, McCaslin, Sellar, Vogtild, Warnke, Williams - 10.

SENATE BILL NO. 6727, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House refuses to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 2122 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Hargrove and Silver.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Second Substitute Bill No. 2122 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 2122 and the Senate amendments thereto: Senators Nelson, Niemi and Craswell.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SENATE BILL NO. 6303 with the following amendments:

On page 1, line 22 strike "vehicular traffic" and insert "~~((vehicular traffic))~~ vehicle operators"

On page 4, line 32 strike "drivers" and insert "vehicle operators"

On page 5, line 5 after "the" strike "driver" and insert "~~((driver))~~ operator"

On page 6, line 16 after "roadway," insert "Where sidewalks are provided but wheelchair access is not available, disabled persons who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator von Reichbauer, the Senate refuses to concur in the House amendments to Senate Bill No. 6303 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6303 and the House amendments thereto: Senators von Reichbauer, Bender and Benitz.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5545 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representative Jacobsen, Dorn and Van Luvan.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute Senate Bill No. 5545 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5545 and the House amendments thereto: Senators Saling, Smitherman and Patterson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

EDITOR'S NOTE: See further debate on Engrossed Substitute Senate Bill No. 5545 later on in the day.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6729 with the following amendment:

On page 1, line 8, after "43.43.758." insert "The rules shall prohibit the use of DNA identification data for any research or other purpose that is not related to a criminal investigation or to improving the operation of the system authorized by RCW 43.43.752 through 43.43.758."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment to Substitute Senate Bill No. 6729.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6729, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6729, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent, 1; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 39.

Voting nay: Senator Niemi - 1.

Absent: Senator Matson - 1.

Excused: Senators Amondson, Bluechel, DeJarnatt, Johnson, McCaslin, Sellar, Vognild, Warnke - 8.

SUBSTITUTE SENATE BILL NO. 6729, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Wojahn: "A parliamentary inquiry, Mr. President. On the bill before this last one, Engrossed Substitute Senate Bill No. 5545, which deals with vocational education and the state board, a conference committee was requested and granted. The bill was scoped yesterday, so there is nothing left except the Senate Bill contained on it. I would like you to rule on that conference committee or explain what the problem is here. How can you scope a bill and have nothing left except one item and now it is going to conference?"

Debate ensued.

FURTHER REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Mr. President I scoped everything--all the items that the House had put on. The only thing left was the Senate Bill as it left here."

REPLY BY THE PRESIDENT

President Pritchard: "Let's see if we can't work this out, Senator Wojahn."

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4438, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4438 by Representative Ebersole

Exempting Senate Bill No. 6799 and House Bill No. 2964 from session cut-off dates.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4438 was advanced to second reading and read the second time.

Senator Newhouse moved that the rules be suspended and House Concurrent Resolution No. 4438 be advanced to third reading, the second reading considered the third and the concurrent resolution be placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, has this been cleared with Senator Matson? The reason that I asked is that he said this was the worst bill that he had seen in fourteen years. I wouldn't want to have him see it come back to life."

Senator Hayner: "Well, I talked to Senator Matson about this and he is aware that they are going to be trying to negotiate. If they are able to come up with something--they are going to give it to us and each one of our caucuses will look at it and see if it is anything that we can support. I told the Governor that I did not see that it was possible, but if he wanted to try one more time, we would be happy to have him do that."

POINT OF INQUIRY

Senator Talmadge: "Senator Hayner, you had made reference in your remarks about some representatives from the Senate meeting in the Governor's office on the wetlands legislation. Could you perhaps elucidate as to who from the Senate is meeting with the Governor on this?"

Senator Hayner: "Well, Senator Vognild was there, I was there, the Speaker of the House was there and Representative Ballard."

The President declared the question before the Senate to be the motion by Senator Newhouse that the rules be suspended and House Concurrent Resolution No. 4438 be advanced to third reading and final passage.

The motion by Senator Newhouse carried and House Concurrent Resolution No. 4438 was adopted by voice vote.

There being no objection, the President returned the Senate to the fourth order of business.

There being no objection, the Senate resumed consideration of the Message from the House on Engrossed Senate Bill No. 6797 and the pending House amendments, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Metcalf, the President finds that Engrossed Senate Bill No. 6797 is a measure which establishes a fisheries council composed of representatives from all groups of fishermen to study the potential of enhancement of anadromous and resident fish populations for the public fisheries.

"The proposed House amendments would create a council to provide recommendations for the siting, regulation, and monitoring of floating fin fish net pens.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The House amendments to Engrossed Senate Bill No. 6797 were ruled out of order.

MOTION

On motion of Senator Metcalf, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 6797 and asks the House to recede therefrom.

MESSAGES FROM THE HOUSE

March 5, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 6411. The Speaker has appointed the following members as conferees: Representatives Cantwell, Rector and Doty.

ALAN THOMPSON, Chief Clerk

March 5, 1990

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6306. The Speaker has appointed the following members as conferees: Representatives Bennett, Jacobsen and Miller.

ALAN THOMPSON, Chief Clerk

March 5, 1990

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5340. The Speaker has appointed the following members as conferees: Representatives Dellwo, Zellinsky and Schmidt.

ALAN THOMPSON, Chief Clerk

March 5, 1990

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6626. The Speaker has appointed the following members as conferees: Representatives Jacobsen, Heavey and Van Luvan.

ALAN THOMPSON, Chief Clerk

March 5, 1990

Mr. President:

The House receded from it amendments to SENATE BILL NO. 6583, and passed the bill without said amendments, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 5, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537. The Speaker has appointed the following members as conferees: Representatives Soryan, Anderson and Silver.

ALAN THOMPSON, Chief Clerk

March 5, 1990

Mr. President:

The House has concurred in the Senate amendment(s) to the following House Bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1597,

SUBSTITUTE HOUSE BILL NO. 2296,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2390,

SUBSTITUTE HOUSE BILL NO. 2463,

HOUSE BILL NO. 2525,

HOUSE BILL NO. 2526,

ENGROSSED HOUSE BILL NO. 2655,

ENGROSSED HOUSE BILL NO. 2832,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906,

SUBSTITUTE HOUSE BILL NO. 3001,

SUBSTITUTE HOUSE BILL NO. 3002.

ALAN THOMPSON, Chief Clerk

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 5, 1990

GA 9176 JOHN LITTLE, appointed June 18, 1989, for a term ending June 17, 1994, as a member of the Human Rights Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Patrick, Talmadge, Thorsness.

Passed to Committee on Rules.

March 5, 1990

GA 9180 ALMA MISAKO KIMURA, reappointed December 8, 1989, for a term ending December 31, 1994, as a member of the Public Disclosure Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Patrick, Talmadge, Thorsness.

Passed to Committee on Rules.

March 5, 1990

GA 9235 KAYE ADKINS, reappointed January 16, 1990, for a term ending April 15, 1990, as a member of the Indeterminate Sentence Review Board.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Patrick, Talmadge, Thorsness.

Passed to Committee on Rules.

March 5, 1990

GA 9237 DAVID L. CARLSON, reappointed January 16, 1990, for a term ending April 15, 1994, as a member of the Indeterminate Sentence Review Board.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Hayner, Madsen, Patrick, Talmadge, Thorsness.

Passed to Committee on Rules.

March 5, 1990

GA 9238 ROBERT E. TRIMBLE, appointed January 16, 1990, for a term ending April 15, 1991, as a member of the Indeterminate Sentence Review Board.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Patrick, Talmadge, Thorsness.

Passed to Committee on Rules.

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 6418. The Speaker has appointed the following members as conferees: Representatives Braddock, Kirby and Brooks.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2964, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2964 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Schoon, H. Sommers, P. King and Betrozoff)

Authorizing bonds for capital facilities.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2964 was advanced to second reading and placed on the second reading calendar.

MOTION

At 5:46 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Tuesday, March 6, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 6, 1990

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, DeJarnatt, Fleming, Moore, Rinehart and Talmadge. On motion of Senator Warnke, Senators Bender and Fleming were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lars Knudson and Jamie Koester, presented the Colors. Reverend Dr. Walter Pulliam, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9194, Andrew V. Smith, as a member of the Board of Regents for the University of Washington, was confirmed.

Senator Hayner spoke to the confirmation of Andrew V. Smith as a member of the Board of Regents for the University of Washington.

APPOINTMENT OF ANDREW V. SMITH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators DeJarnatt, Moore, Rinehart, Talmadge - 4.

Excused: Senators Bender, Fleming - 2.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 3, 1990

Mr. President:

The Speaker has signed:

SENATE BILL NO. 6180,

SENATE BILL NO. 6292,

SENATE BILL NO. 6451,

SUBSTITUTE SENATE BILL NO. 6467,

SENATE BILL NO. 6470,

SENATE BILL NO. 6520,

SENATE BILL NO. 6533,

SENATE BILL NO. 6588,

SUBSTITUTE SENATE BILL NO. 6589,

SENATE BILL NO. 6606,

SUBSTITUTE SENATE BILL NO. 6608,

SECOND SUBSTITUTE SENATE BILL NO. 6731,

SENATE BILL NO. 6777,

SENATE BILL NO. 6802.

SENATE BILL NO. 6897.

SENATE JOINT MEMORIAL NO. 8003, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4437, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5431,

SENATE BILL NO. 5593,

SUBSTITUTE SENATE BILL NO. 6167,

SENATE BILL NO. 6335,

SUBSTITUTE SENATE BILL NO. 6446,

SENATE BILL NO. 6564,

SENATE BILL NO. 6673,

SUBSTITUTE SENATE BILL NO. 6697,

SUBSTITUTE SENATE BILL NO. 6776,

SENATE BILL NO. 6816,

SENATE BILL NO. 6862,

SENATE BILL NO. 6866, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5935,

SECOND SUBSTITUTE SENATE BILL NO. 5993,

SENATE BILL NO. 6192,

SENATE BILL NO. 6201,

SENATE BILL NO. 6224,

SENATE BILL NO. 6834, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 5, 1990

Mr. President:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6190, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The Speaker has signed:

SENATE BILL NO. 6189,

SENATE BILL NO. 6213,

SUBSTITUTE SENATE BILL NO. 6289,

SUBSTITUTE SENATE BILL NO. 6348,

SUBSTITUTE SENATE BILL NO. 6426,

SUBSTITUTE SENATE BILL NO. 6453,

SUBSTITUTE SENATE BILL NO. 6493,

SUBSTITUTE SENATE BILL NO. 6642,

SECOND SUBSTITUTE SENATE BILL NO. 6832, and the same are herewith transmitted.

March 5, 1990

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5487,

THIRD SUBSTITUTE SENATE BILL NO. 5550,

SENATE BILL NO. 5712,

SECOND SUBSTITUTE SENATE BILL NO. 5835,
 SECOND SUBSTITUTE SENATE BILL NO. 5845,
 SECOND SUBSTITUTE SENATE BILL NO. 5996,
 SENATE BILL NO. 6172,
 SUBSTITUTE SENATE BILL NO. 6191,
 SUBSTITUTE SENATE BILL NO. 6290,
 SUBSTITUTE SENATE BILL NO. 6358,
 SUBSTITUTE SENATE BILL NO. 6377,
 SUBSTITUTE SENATE BILL NO. 6447,
 SUBSTITUTE SENATE BILL NO. 6452,
 SENATE BILL NO. 6464,
 SUBSTITUTE SENATE BILL NO. 6473,
 SENATE BILL NO. 6562, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5206,
 SUBSTITUTE SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5594,
 SECOND SUBSTITUTE SENATE BILL NO. 5882,
 SECOND SUBSTITUTE SENATE BILL NO. 6216,
 SUBSTITUTE SENATE BILL NO. 6305,
 SUBSTITUTE SENATE BILL NO. 6326,
 SENATE BILL NO. 6388,
 SUBSTITUTE SENATE BILL NO. 6389,
 SUBSTITUTE SENATE BILL NO. 6390,
 SENATE BILL NO. 6391,
 SENATE BILL NO. 6392,
 SUBSTITUTE SENATE BILL NO. 6393,
 SENATE BILL NO. 6394,
 SUBSTITUTE SENATE BILL NO. 6395,
 SENATE BILL NO. 6396,
 SENATE BILL NO. 6535, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1990

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 2310,
 HOUSE BILL NO. 2331,
 HOUSE BILL NO. 2438,
 HOUSE BILL NO. 2441,
 SUBSTITUTE HOUSE BILL NO. 2457,
 HOUSE BILL NO. 2461,
 HOUSE BILL NO. 2469,
 HOUSE BILL NO. 2473,
 SUBSTITUTE HOUSE BILL NO. 2482,
 SUBSTITUTE HOUSE BILL NO. 2513,
 SUBSTITUTE HOUSE BILL NO. 2524,
 HOUSE BILL NO. 2527,
 HOUSE BILL NO. 2561,
 HOUSE BILL NO. 2562,
 SUBSTITUTE HOUSE BILL NO. 2587,
 HOUSE BILL NO. 2633,
 SUBSTITUTE HOUSE BILL NO. 2708,
 HOUSE BILL NO. 2753,
 HOUSE BILL NO. 2942, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932. The Speaker has appointed the following members as conferees: Representatives K. Wilson, R. Fisher and Miller.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House grants the request of the Senate for a conference on SENATE BILL NO. 6408. The Speaker has appointed the following members as conferees: Representatives R. Fisher, Cooper and Schmidt.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 6904. The Speaker has appointed the following members as conferees: Representatives Haugen, Braddock and Horn.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6417. The Speaker has appointed the following members as conferees: Representatives H. Sommers, Rasmussen and Schoon.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Warnke, Senators DeJarnatt and Talmadge were excused.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6182 with the following amendments:

On page 5, line 9, after "((service))" strike "district"

On page 6, line 20, after "board" insert "for at least a two week period".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6182.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6182, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6182, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Sellar, Vogtild - 2.

Excused: Senators Bender, DeJarnatt, Fleming, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 6182, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SENATE BILL NO. 6253 with the following amendments:

On page 1, line 4 after "Sec. 1." strike everything through "required." on line 18

On page 2, line 2 after "state regulations," insert "or"

On page 2, line 2 after "legislation" strike everything through "statements" on line 4

On page 2, line 4 after "taking" strike everything through "property" on line 8

On page 3, line 1 after "Sec. 4." insert "(1)"

On page 3, line 8 before "Using" insert "(2)"

On page 3, line 14 strike "(1)" and insert "(a)"

On page 3, line 17 strike "(2)" and insert "(b)"

On page 3, line 20 strike "(3)" and insert "(c)"

On page 3, line 22 before "Prior" insert "(3)"

On page 3, line 25 beginning with "Any" strike everything through "purpose" on line 29 and insert "(4) Nothing in this act grants a private party the right to seek judicial relief requiring compliance with the provisions of this act".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Patterson moved that the Senate do concur in the House amendments to Senate Bill No. 6253.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, is this part of the bill now that says that nothing in this act grants a party the right to seek judicial relief requiring compliance with the provisions of this act. Is that still in there? Was that a new section that was put in?"

Senator McCaslin: "The House put that in, Senator."

Senator Rasmussen: "Is that still in there?"

Senator McCaslin: "Yes, as far as I know it is."

Senator Rasmussen: "We pass this law and it bars anybody from seeking judicial relief?"

Senator McCaslin: "I would question that, but it is in there. I don't agree with it, but again, I would like to get the bill moving and then work on it on a continuation next session, Senator. I don't want to kill the bill, Senator."

Senator Rasmussen: "I know, but you kill a lot of people in the process."

Senator McCaslin: "No way would I do that, Senator, and you know that. I would never kill anybody, Senator."

Further debate ensued.

MOTION

On motion of Senator Warnke, Senator Vognild was excused.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate do concur in the House amendments to Senate Bill No. 6253.

The motion by Senator Patterson failed and the Senate did not concur in the House amendments to Senate Bill No. 6253.

MOTION

On motion of Senator Patterson, the Senate refuses to concur in the House amendments to Senate Bill No. 6253 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6310 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that: (1) It is in the best interest of the state to encourage nonprofit regional fisheries enhancement groups authorized in RCW 75.50.070 to participate in enhancing the state's salmon population including, but not limited to, salmon research, increased natural and artificial production, and through habitat improvement; (2) such regional fisheries enhancement groups interested in improving salmon habitat and rearing salmon shall be eligible for financial assistance; (3) such regional fisheries enhancement groups should seek to maximize the efforts of volunteer personnel and private donations; (4) this program will assist the state in its goal to double the salmon catch by the year 2000; (5) this program will benefit both commercial and recreational fisheries and improve cooperative efforts to increase salmon production through a coordinated approach with similar programs in other states and Canada; and (6) the Grays Harbor fisheries enhancement task force's exemplary performance in salmon enhancement provides a model for establishing regional fisheries enhancement groups by rule adopted under RCW 75.50.070, 75.50.080, and sections 2 through 4 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 75.50 RCW to read as follows:

Each regional fisheries enhancement group shall be incorporated pursuant to Title 24 RCW. Any interested person or group shall be permitted to join. It is desirable for the group to have representation from all categories of fishers and other parties that have interest in salmon within the region, as well as the general public.

NEW SECTION. Sec. 3. A new section is added to chapter 75.50 RCW to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A surcharge of one dollar shall be collected on each recreational salmon license sold in the state. A surcharge of one hundred dollars shall be collected on each commercial salmon fishing license and each charter boat "salmon and other food fish" license sold in the state. The department shall study methods for collecting and making available, an annual list, including names and addresses, of all persons who obtain recreational and commercial salmon fishing licenses. This list may be used to assist formation of the regional fisheries enhancement groups and allow the broadest participation of license holders in enhancement efforts. The results of the study shall be reported to the house of representatives fisheries and wildlife committee and the senate environment and natural resources committee by October 1, 1990. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of section 4 of this act. Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on the effective date of this section.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The department shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 75.50 RCW to read as follows:

A regional fisheries enhancement group advisory board is established to make recommendations to the director. The advisory board shall make recommendations regarding regional enhancement group rearing project proposals and funding of those proposals. The members shall be appointed by the director and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal fish commission.

The department may use account funds to provide agency assistance to the groups. The level of account funds used by the department shall be determined by the director after review and recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

NEW SECTION. Sec. 5. The department and the regional fisheries enhancement group advisory board shall report biennially to the senate environment and natural resources committee, the house of representatives fisheries and wildlife committee, the senate ways and means committee and house of representatives fiscal committees, or any successor committees beginning October 1, 1991. The report shall include but not be limited to the following:

- (1) An evaluation of enhancement efforts;
- (2) A description of projects;
- (3) A region by region accounting of financial contributions and expenditures including the enhancement group account funds; and
- (4) Volunteer participation and member affiliation.

NEW SECTION. Sec. 6. Section 3 of this act shall take effect January 1, 1991."

On page 1, line 2 of the title, after "groups;" strike the remainder of the title and insert "adding new sections to chapter 75.50 RCW; creating new sections; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 6310.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, on page 3, it says, 'The Department shall study the methods for collecting and making available an annual list, including names and addresses of all persons who obtain recreational and commercial salmon fishing licenses. This list may be used to assist formation of the regional fisheries enhancement groups.' Senator Metcalf, the question is what other purpose is it intended that this list be used?"

Senator Metcalf: "I'm not sure of that. I have no idea of what the specific uses can be made of the list once they compile it. I know today they don't have a list. They don't even have any lists of the recreational licensees and I cannot answer the question, Senator. I don't know what the uses are possible under the law."

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 6310.

The motion by Senator Metcalf carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 6310.

MOTION

On motion of Senator Anderson, Senators Lee and McCaslin were excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6310, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6310, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 5; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Thorsness, von Reichbauer, Warnke, West, Williams - 38.

Voting nay: Senators Gaspard, Rinehart, Stratton, Sutherland, Wojahn - 5.

Excused: Senators Bender, DeJarnatt, Lee, McCaslin, Talmadge, Vognild - 6.

SECOND SUBSTITUTE SENATE BILL NO. 6310, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of the Message from the House on Engrossed Substitute Senate Bill No. 6434, and the pending motion by Senator Patterson that the Senate do concur in the House amendments, deferred March 5, 1990.

MOTION

On motion of Senator Patterson, and there being no objection, the motion to concur in the House amendments to Engrossed Substitute Senate Bill No. 6434 was withdrawn.

MOTION

Senator Patterson moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 6434 and asks the House to recede therefrom.

Debate ensued.

MOTION

Senator Kreidler moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6434.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Kreidler that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6434.

The motion by Senator Kreidler failed and the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 6434.

The President declared the question before the Senate to be the motion by Senator Patterson to not concur in the House amendments to Engrossed Substitute Senate Bill No. 6434.

The motion by Senator Patterson carried and the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 6434.

MOTION

On motion of Senator Newhouse, the Senate insists on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 6434 and asks the House to recede therefrom.

MOTION

On motion of Senator Anderson, Senator Saling was excused.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6560 with the following amendments:

On page 4, line 9 after "transferee," strike all material through "state," on page 4, line 14

On page 7, line 1 after "ownership" insert ", unless specifically exempted. If the certificate of ownership was issued after April 30, 1990, a secure odometer statement is required, unless specifically exempted"

On page 7, line 4 after "ownership" strike all material through "exempted" on page 7, line 6.

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6560.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6560, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6560, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senator West - 1.

Excused: Senators Bender, Saling, Talmadge, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 6560, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SENATE BILL NO. 6652 with the following amendment:
On page 2, line 18, strike "July" and insert "January".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McDonald, the Senate concurred in the House amendment to Senate Bill No. 6652.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6652, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6652, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators McCaslin, Smith - 2.

Excused: Senators Bender, Matson, Saling, Talmadge, Vogtild - 5.

SENATE BILL NO. 6652, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 2413 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Jacobsen, Peery and Wood.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2413 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2413 and the Senate amendments thereto: Senators Bailey, Stratton and Saling.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6668 with the following amendments:

On page 3, following line 11 strike all of section 3

On page 1, line 2 of the title, strike "creating a new section:".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McDonald, the Senate concurred in the House amendments to Substitute Senate Bill No. 6668.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6668, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6668, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator McMullen - 1.

Excused: Senators Bender, Matson, Saling, Talmadge, Vognild - 5.

SUBSTITUTE SENATE BILL NO. 6668, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Nelson, Senator McCaslin was excused.

On motion of Senator Anderson, Senator Amondson was excused.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6700 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 81.80 RCW to read as follows:

(1) It is unlawful for a motor vehicle transporting recovered materials to perform a transportation service for compensation upon the public highways of this state without first having received a permit from the commission. The permits shall be granted upon a finding that the motor carrier is fit, willing, and able to provide transportation of recovered materials, and upon payment of the appropriate filing fee authorized by this chapter for other applications for operating authority, including payment of the annual regulatory fee imposed by RCW 81.80-.320. The carriers are subject to the safety of operations and insurance requirements of the commission, but are not subject to rate regulation by the commission.

(2) The provisions of this section apply to motor vehicles when:

(a) Transporting recovered materials from a site generating ten thousand or more tons of recovered materials per year to a reprocessing facility or an end-use manufacturing site;

(b) Transporting recovered materials from a reprocessing facility to another reprocessing facility or to an end-use manufacturing site; or

(c) Transporting recovered mixed waste paper from a reprocessing facility to an energy recovery facility.

(3) For the purposes of this section, the following definitions shall apply:

(a) "Recovered materials" means those commodities collected for recycling or reuse, such as papers, glass, plastics, used wood, metals, yard waste, used oil, and tires, that if not collected for recycling would otherwise be destined for disposal or incineration. "Recovered materials" shall not include any wood waste or wood byproduct generated from a logging, milling, or chipping activity;

(b) "Reprocessing facility" means a business registered under chapter 82.32 RCW or a nonprofit corporation identified under chapter 24.03 RCW that accepts or purchases recovered materials and prepares those materials for resale;

(c) "Mixed waste paper" means assorted low-value grades of paper that have not been separated into individual grades of paper at the point of collection; and

(d) "Energy recovery facility" means a facility designed to burn mixed waste paper as a fuel, except that such term does not include mass burn incinerators.

NEW SECTION. Sec. 2. (1) The department of trade and economic development, in conjunction with the utilities and transportation commission and the department of ecology, shall evaluate the effect of exempting motor vehicles transporting recovered materials from rate regulation as provided under section 1 of this act. The evaluation shall, at a minimum, describe the effect of such exemption on:

(a) The cost and timeliness of transporting recovered materials within the state;

(b) The volume of recovered materials transported within the state;

(c) The number of safety violations and traffic accidents related to transporting recovered materials within the state; and

(d) The availability of service related to transporting recovered materials from rural areas of the state.

(2) The department shall report the results of its evaluation to the appropriate standing committees of the legislature by October 1, 1993.

(3) The commission shall adopt rules requiring persons transporting recovered materials to submit information required under RCW 70.95.280. In adopting such rules, the commission shall include procedures to ensure the confidentiality of proprietary information.

NEW SECTION, Sec. 3. A new section is added to chapter 81.80 RCW to read as follows:

Nothing in this act shall be construed as changing the provisions of RCW 81.77.010(8), nor shall this act be construed as allowing any entity, other than a solid waste collection company authorized by the commission or an entity collecting solid waste from a city or town under the provisions of chapter 35.21 or 35A.21 RCW, to collect solid waste which may incidentally contain recyclable materials.

NEW SECTION, Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "materials," strike the remainder of the title and insert "adding new sections to chapter 81.80 RCW; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6700.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6700, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6700, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West - 38.

Voting nay: Senators Gaspard, Rinehart, Williams, Wojahn - 4.

Absent: Senator Moore - 1.

Excused: Senators Amondson, Bender, Matson, McCaslin, Taimadge, Vognild - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6700, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SENATE BILL NO. 6741 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature finds that delays in substantial development permit review for the extension of vital utility services to existing and lawful uses within the shorelines of the state have caused hardship upon existing residents without serving any of the purposes and policies of the shoreline management act. It is the intent of this act to provide a more expeditious permit review process for that limited category of utility extension activities only, while fully preserving safeguards of public review and appeal rights regarding permit applications and decisions.

Sec. 2. Section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 22, Laws of 1988 and RCW 90.58.140 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58-.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the provisions of chapter 90.58 RCW.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (13) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that:

(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and

(b) Additional notice of such an application is given by at least one of the following methods:

(i) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(iii) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive a copy of the final order concerning an application as expeditiously as possible after the issuance of the order, may submit the comments or requests for orders to the local government within thirty days of the last date the notice is to be published pursuant to subsection (a) of this subsection. The local government shall forward, in a timely manner following the issuance of an order, a copy of the order to each person who submits a request for the order.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until thirty days from the date the final order was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within thirty days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) If a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within thirty days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW, the permittee may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction may begin pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would not involve a significant, irreversible damaging of the environment, the court may allow the permittee to begin the construction pursuant to the approved or revised permit as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had

originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;

(d) If the permit is for a substantial development meeting the requirements of subsection (13) of this section, construction pursuant to that permit may not begin or be authorized until thirty days from the date the final order was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), ((or)) (c), or (d) of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervenor.

(6) Any ruling on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection (12) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection (12) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and

(b) The development is completed within two years after June 1, 1971.

(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.

(12) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

(13)(a) An application for a substantial development permit for a limited utility extension shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(b) Will serve an existing use in compliance with this chapter; and

(c) Will not extend more than twenty-five hundred linear feet within the shorelines of the state."

On page 1, line 2 of the title, after "extensions;" strike the remainder of the title and insert "amending RCW 90.58.140; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Senate Bill No. 6741.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6741, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6741, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Madsen, Warnke - 2.

Excused: Senators Amondson, Bender, McCaslin, Talmadge, Vogndil - 5.

SENATE BILL NO. 6741, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5013,

SENATE BILL NO. 5169,

SUBSTITUTE SENATE BILL NO. 5300,

SUBSTITUTE SENATE BILL NO. 6195,

SUBSTITUTE SENATE BILL NO. 6221,

SENATE BILL NO. 6304,

SUBSTITUTE SENATE BILL NO. 6330,

SENATE BILL NO. 6370,

SENATE BILL NO. 6399,

SUBSTITUTE SENATE BILL NO. 6474,

SENATE BILL NO. 6528,

SENATE BILL NO. 6571,

SENATE BILL NO. 6574,

SUBSTITUTE SENATE BILL NO. 6575,

SENATE BILL NO. 6577,

SUBSTITUTE SENATE BILL NO. 6681,

SENATE BILL NO. 6583,

SUBSTITUTE SENATE BILL NO. 6698,

SUBSTITUTE SENATE BILL NO. 6701,

SUBSTITUTE SENATE BILL NO. 6726,

SENATE BILL NO. 6727,

SUBSTITUTE SENATE BILL NO. 6729.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 2310,
 HOUSE BILL NO. 2331,
 HOUSE BILL NO. 2438,
 HOUSE BILL NO. 2441,
 SUBSTITUTE HOUSE BILL NO. 2457,
 HOUSE BILL NO. 2461,
 HOUSE BILL NO. 2469,
 HOUSE BILL NO. 2473,
 SUBSTITUTE HOUSE BILL NO. 2482,
 SUBSTITUTE HOUSE BILL NO. 2513,
 SUBSTITUTE HOUSE BILL NO. 2524,
 HOUSE BILL NO. 2527,
 HOUSE BILL NO. 2561,
 HOUSE BILL NO. 2562,
 SUBSTITUTE HOUSE BILL NO. 2587,
 HOUSE BILL NO. 2633,
 SUBSTITUTE HOUSE BILL NO. 2708,
 HOUSE BILL NO. 2753,
 HOUSE BILL NO. 2942,
 HOUSE CONCURRENT RESOLUTION NO. 4437.

MESSAGE FROM THE HOUSE

February 26, 1990

Mr. President:

The House has passed SENATE BILL NO. 6822 with the following amendment:

On page 1, line 8, after "84.33.073" insert "and whose value of products, gross proceeds of sales, or gross income of the business is less than one hundred thousand dollars per tax year";

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McDonald, the Senate concurred in the House amendment to Senate Bill No. 6822.

MOTION

On motion of Senator Anderson, Senator Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6822, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6822, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Voting nay: Senators Moore, Murray, Niemi - 3.

Absent: Senator Johnson - 1.

Excused: Senators Amondson, Bender, McCaslin, Smith, Talmadge, Vognild - 6.

SENATE BILL NO. 6822, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6827 with the following amendment:

On page 1, line 12, after "The" insert "utilities and transportation",
and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendment to Substitute Senate Bill No. 6827.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6827, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6827, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Craswell, Gaspard - 2.

Excused: Senators Amondson, Bender, McCaslin, Talmadge, Vognild - 5.

SUBSTITUTE SENATE BILL NO. 6827, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Craswell was excused.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6839 with the following amendment:

On page 1, line 24 after "comment." insert "The state parks and recreation commission shall review and provide comments on the program no later than March 31, 1991. After receiving comments from the commission, the counties shall adopt a final management program no later than June 30, 1991."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendment to Engrossed Senate Bill No. 6839.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6839, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6839, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, Bender, Craswell, McCaslin, Talmadge, Vognild - 6.

ENGROSSED SENATE BILL NO. 6839, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6859 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. (1) The legislature finds that:

- (a) Computer software development is a rapidly changing and complex field;
- (b) There are substantial public policy questions regarding valuation and taxation of computer software;
- (c) Fairness and equity require consistent tax treatment of computer software by all county assessors;
- (d) Thorough study of computer software taxation is necessary before a permanent tax policy can be adopted; and
- (e) Any inequities that might result from temporarily restricting the ability of county assessors to list and assess computer software are more than offset by avoidance of unfair and inconsistent tax treatment of computer software.

(2) The intent of this act is to delay any significant change in the manner or extent of taxation of computer software until uniform definitions and standards of taxation can be developed and enacted by the legislature.

NEW SECTION. Sec. 2. For property taxes due in 1991, a county assessor shall list and assess computer software in the same manner and to the same extent as computer software was listed and assessed for taxes due in 1989. If the assessor adds an item of computer software to the assessment list for any taxpayer for 1991 taxes, and that item was not listed and assessed for 1989 taxes for that taxpayer, the assessor shall have the burden of proving the item of computer software is taxable within the intent of this act.

NEW SECTION. Sec. 3. (1) The department of revenue shall conduct a study of the taxation of computer software. The study shall focus primarily on the policy implications involved in developing clear definitions of software that should be taxable and software that should be exempt. The study shall include an examination of:

- (a) The implementation of section 1 of this act by assessors in each county;
- (b) Definitions of computer software and its meaning in property taxation;
- (c) The appropriate application of property taxation to computer software;
- (d) Taxation of computer software by other states;
- (e) Alternatives to property taxation of computer software; and
- (f) The advantages or disadvantages of any change, revision, or alternative to tax treatment of computer software.

(2) To perform the study, the department shall form a study committee with balanced representation from different segments of government and industry. The study committee may include, but need not be limited to, persons representing the department, computer software development companies, computer hardware development companies, tax law specialists, county assessors, small businesses that use computer software, and large businesses that use computer software.

(3) The department shall provide staff for the study committee.

(4) The department shall report the findings of the study to the committees of the legislature that deal with revenue matters no later than November 30, 1990.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "software;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6859.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6859, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6859, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Gaspard - 1.

Excused: Senators Amondson, Bender, McCaslin, Talmadge, Vognilid - 5.

SUBSTITUTE SENATE BILL NO. 6859, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The Speaker has ruled the Senate amendments to HOUSE BILL NO. 2808 beyond the scope and object of the bill; the House refuses to concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate receded from its amendments to House Bill No. 2808.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2808, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2808, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Metcalf - 1.

Excused: Senators Amondson, Bender, McCaslin, Talmadge, Vognilid - 5.

HOUSE BILL NO. 2808, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2643 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do recede from its amendments to Substitute House Bill No. 2643.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do recede from its amendments to Substitute House Bill No. 2643.

The motion by Senator Newhouse carried and the Senate receded from its amendments to Substitute House Bill No. 2643.

MOTION

On motion of Senator Anderson, Senator Saling was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2643, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2643, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Saling, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 2643, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1990

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2421 and asks the Senate for a conference thereon. The speaker has appointed the following members as conferees: Representatives K. Wilson, Dorn and Ballard. The bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 2421 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newhouse moved that the Senate reconsider the vote by which the Committee on Environment and Natural Resources striking amendment was adopted February 27, 1990.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the Committee on Environment and Natural Resources striking amendment was adopted.

The motion by Senator Newhouse carried and the Senate will reconsider the Committee on Environment and Natural Resources striking amendment.

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart and Metcalf to the Committee on Environment and Natural Resources striking amendment, on reconsideration, be adopted.

On page 2, line 2, after "~~age~~)" strike "an individual capable of complying with the observer requirements of subsection (3) of this section" and insert "an individual who meets the minimum qualifications for an observer established by rules of the state parks and recreation commission"

POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart, what are we talking about here--observers on jet skis or observers in boats?"

Senator Rinehart: "Observers in boats."

Senator Rasmussen: "Then, my next question is what type of rules and what age are they going to establish for observers?"

Senator Rinehart: "Currently, the standards are set by law enforcement people and by the Parks and Recreation Commission to be sure that a person is capable of observing and of notifying someone when a skier has fallen. The assumption is that these same rules that are now in effect will continue, but the House simply wanted to be sure that it was clear that Parks and Recreation could continue to do this."

Senator Rasmussen: "Well, many times I have seen mama and papa and the little child--maybe two or three years old--and either mama is running the ski boat and the daddy is running the ski boat and the child says, 'Mama fell off.' That is what I am concerned with that those people be allowed to still operate their boat without having someone ten or twelve years old as an observer."

Senator Rinehart: "I believe that was a similar concern expressed in the House that they didn't want to be too rigid on the qualifications, but they did want the Parks and Recreation Commission to continue to be able to assess them."

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart and Metcalf on page 2, line 2, to the Committee on Environment and Natural Resources striking amendment, on reconsideration.

The motion by Senator Rinehart carried and the amendment to the Committee on Environment and Natural Resources striking amendment, on reconsideration, was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Environment and Natural Resources striking amendment, as amended, on reconsideration.

The Committee on Environment and Natural Resources striking amendment, as amended, on reconsideration, was adopted.

MOTION

On motion of Senator Nelson, Substitute House Bill No. 2421, as amended by the Senate, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2421, as amended by the Senate, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2421, as amended by the Senate, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Sellar - 1.

Absent: Senators McCaslin, Patterson - 2.

Excused: Senators Saling, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 2421, as amended by the Senate, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 6, 1990

Due to a court appearance, I missed the votes on Substitute Senate Bill No. 6182, Second Substitute Senate Bill No. 6310, Substitute Senate Bill No. 6560, Senate Bill No. 6652, Substitute Senate Bill No. 6668, Engrossed Substitute Senate Bill No. 6700, Senate Bill No. 6741, Senate Bill No. 6822, Substitute Senate Bill No. 6827, Engrossed Senate Bill No. 6839, Substitute Senate Bill No. 6859, Substitute House Bill No. 2643 and House Bill No. 2808. I would have voted 'aye' on all of these bills except Engrossed Substitute Senate Bill No. 6700, Senate Bill No. 6741 and Senate Bill No. 6822, on which I would have voted 'nay.'

SENATOR PHIL TALMADGE, 34th District

MOTION

At 10:54 a.m., on motion of Senator Newhouse, the Senate recessed until 3:30 p.m.

The Senate was called to order at 3:53 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House has concurred in the Senate amendment(s) to the following House Bills and has passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825,

ENGROSSED HOUSE BILL NO. 2299,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
 HOUSE BILL NO. 2373,
 HOUSE BILL NO. 2411,
 ENGROSSED HOUSE BILL NO. 2567,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2709,
 HOUSE BILL NO. 2802,
 SUBSTITUTE HOUSE BILL NO. 2854,
 ENGROSSED HOUSE BILL NO. 2911,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2917.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House has concurred in the Senate amendment(s) to the following House Bills and has passed said bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 2077,
 HOUSE BILL NO. 2312,
 HOUSE BILL NO. 2395,
 SECOND SUBSTITUTE HOUSE BILL NO. 2443,
 HOUSE BILL NO. 2775,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2801.

ALAN THOMPSON, Chief Clerk

MESSAGES FROM THE HOUSE

March 6, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6649. The Speaker has appointed the following members as conferees: Representatives Prentice, Cooper and Walker.

ALAN THOMPSON, Chief Clerk

March 6, 1990

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6639. The Speaker has appointed the following members as conferees: Representatives Wang, Spanel and Youngsman.

ALAN THOMPSON, Chief Clerk

March 6, 1990

Mr. President:

The House grants the request of the Senate for a conference on SENATE BILL NO. 6303. The Speaker has appointed the following members as conferees: Representatives Bennett, R. Meyers and S. Wilson.

ALAN THOMPSON, Chief Clerk

March 6, 1990

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6663. The Speaker has appointed the following members as conferees: Representatives R. Fisher, R. Meyers and Schmidt.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6164 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout sections 1 through 7 of this act:

(1) "Food" means: (a) Any article used for food or drink for humans or used as a component of such an article; or (b) a food grade substance.

(2) "Food grade substance" means a substance which satisfies the requirements of the federal food, drug, and cosmetic act, meat inspection act, and poultry products act and rules promulgated thereunder as materials approved by the federal food and drug administration, United States department of agriculture, or United States environmental protection agency for use: (a) As an additive in food or drink for human consumption, (b) in sanitizing food or drink for human consumption, (c) in processing food or drink for human consumption, or (d) in maintaining equipment with food contact surfaces during which maintenance the substance is expected to come in contact with food or drink for human consumption.

(3) "In bulk form" means a food or substance which is not packaged or contained by anything other than the cargo carrying portion of the vehicle or vessel.

(4) "Vehicle or vessel" means a commercial vehicle or commercial vessel which has a gross weight of more than ten thousand pounds, is used to transport property, and is a motor vehicle, motor truck, trailer, railroad car, or vessel.

NEW SECTION. Sec. 2. (1) Except as provided in sections 4 and 6 of this act, no person may transport in intrastate commerce food in bulk form in the cargo carrying portion of a vehicle or vessel that has been used for transporting in bulk form a cargo other than food.

(2) No person may transport in intrastate commerce food in bulk form in the cargo carrying portion of a vehicle or vessel unless the vehicle or vessel is marked "Food or Food Compatible Only" in conformance with rules adopted under section 3 of this act.

(3) No person may transport in intrastate commerce a substance in bulk form other than food or a substance on a list adopted under section 3 of this act in the cargo carrying portion of a vehicle or vessel marked "Food or Food Compatible Only."

(4) This section does not apply to the transportation of a raw agricultural commodity from the point of its production to the facility at which the commodity is first processed or packaged.

NEW SECTION. Sec. 3. (1) The director of agriculture and the secretary of health shall jointly adopt by rule:

(a) A list of food compatible substances other than food that may be transported in bulk form as cargo in a vehicle or vessel that is also used, on separate occasions, to transport food in bulk form as cargo. The list shall contain those substances that the director and the secretary determine will not pose a health hazard if food in bulk form were transported in the vehicle or vessel after it transported the substance. In making this determination, the director and the secretary shall assume that some residual portion of the substance will remain in the cargo carrying portion of the vehicle or vessel when the food is transported;

(b) The procedures to be used to clean the vehicle or vessel after transporting the substance and prior to transporting the food;

(c) The form of the certificates to be used under section 4 of this act; and

(d) Requirements for the "Food or Food Compatible Only" marking which must be borne by a vehicle or vessel under section 2 or 4 of this act.

(2) In developing and adopting rules under this section and section 5 of this act, the director and the secretary shall consult with the secretary of transportation, the chief of the state patrol, the chair of the utilities and transportation commission, and representatives of the vehicle and vessel transportation industries, food processors, and agricultural commodity organizations.

NEW SECTION. Sec. 4. Transporting food as cargo in bulk form in intrastate commerce in a vehicle or vessel that has previously been used to transport in bulk form a cargo other than food does not constitute a violation of section 2 of this act if:

(1) The cargo is a food compatible substance contained on the list adopted by the director and secretary under section 3 of this act;

(2) The vehicle or vessel has been cleaned as required by the rules adopted under section 3 of this act;

(3) The vehicle or vessel is marked "Food or Food Compatible" in conformance with rules adopted under section 3 of this act; and

(4) A certificate accompanies the vehicle or vessel when the food is transported by other than railroad car which attests, under penalty of perjury, to the fact that the vehicle or vessel has been cleaned as required by those rules and is dated and signed by the party responsible for that cleaning. Such certificates shall be maintained by the owner of the vehicle or vessel for not less than three years and shall be available for inspection concerning compliance with sections 1 through 7 of this act. The director of agriculture and the secretary of health shall jointly adopt rules requiring such certificates for the transportation of food under this section by railroad car and requiring such certificates to be available for inspection concerning compliance with sections 1 through 7 of this act. Forms for the certificates shall be provided by the department of agriculture.

NEW SECTION. Sec. 5. The director of agriculture and the secretary of health shall jointly adopt by rule:

(1) A list of substances which, if transported in bulk form in the cargo carrying portion of a vehicle or vessel, render the vehicle or vessel permanently unsuitable for use in transporting food in bulk form because the prospect that any residue might be present in the vehicle or vessel when it transports food poses a hazard to the public health; and

(2) Procedures to be used to rehabilitate a vehicle or vessel that has been used to transport a substance other than a substance contained on a list adopted under section 3 of this act or under subsection (1) of this section. The procedures shall ensure that transporting food in the cargo carrying portion of the vehicle or vessel after its rehabilitation will not pose a health hazard.

NEW SECTION. Sec. 6. A vehicle or vessel that has been used to transport a substance other than food or a substance contained on the lists adopted by the director and secretary under sections 3 and 5 of this act, may be rehabilitated and used to transport food only if:

(1) The vehicle or vessel is rehabilitated in accordance with the procedures established by the director and secretary in section 5 of this act;

(2) The vehicle or vessel is inspected by the department of agriculture, and the department determines that transporting food in the cargo carrying portion of the vehicle or vessel will not pose a health hazard;

(3) A certificate accompanies the vehicle or vessel certifying that the vehicle or vessel has been rehabilitated and inspected and is authorized to transport food, and is dated and signed by the director of agriculture, or an authorized agent of the director. Such certificates shall be maintained for the life of the vehicle by the owner of the vehicle or vessel, and shall be available for inspection concerning compliance with sections 1 through 7 of this act. Forms for the certificates shall be provided by the department of agriculture; and

(4) The vehicle or vessel is marked as required by section 2 of this act or is marked and satisfies the requirements of section 4 of this act which are not inconsistent with the rehabilitation authorized by this section.

No vehicle or vessel that has transported in bulk form a substance contained on the list adopted under section 5 of this act qualifies for rehabilitation.

The cost of rehabilitation shall be borne by the vehicle or vessel owner. The director shall determine a reasonable fee to be imposed on the vehicle or vessel owner based on inspection, laboratory, and administrative costs incurred by the department in rehabilitating the vehicle or vessel.

NEW SECTION. Sec. 7. A person who knowingly transports a cargo in violation of section 2 of this act or who knowingly causes a cargo to be transported in violation of section 2 of this act is subject to a civil penalty, as determined by the director of agriculture, for each such violation as follows:

(1) For a person's first violation or first violation in a period of five years, not more than five thousand dollars;

(2) For a person's second or subsequent violation within five years of a previous violation, not more than ten thousand dollars.

The director shall impose the penalty by an order which is subject to the provisions of chapter 34.05 RCW.

The director shall, wherever practical, secure the assistance of other public agencies, including but not limited to the department of health, the utilities and transportation commission, and the state patrol, in identifying and investigating potential violations of section 2 of this act.

NEW SECTION. Sec. 8. The director of agriculture and the secretary of health shall examine, in consultation with an industry advisory committee, the potential hazards that may be posed to the public health by the transportation of food in other than bulk form in intrastate commerce. The director and secretary shall report the findings to the legislature by January 1, 1992, concerning the extent of the potential hazards, the frequency of mixed shipments of packaged food and nonfood items, the manner in which mixed shipments of packaged food and nonfood items are transported, and the incidents of food contamination in Washington state within the past five years. The findings shall include recommendations, if any, for regulating the transportation of food in other than bulk form.

The director and the secretary shall establish an industry advisory committee to provide advice regarding the examination required by this section. The director and the secretary shall jointly appoint not less than nine persons to the committee. These persons shall be representatives from the manufacturing, processing, wholesaling, distributing, and retailing sectors of the food industry.

Sec. 9. Section 99, chapter 257, Laws of 1945 and RCW 69.04.810 are each amended to read as follows:

For the purpose of enforcing the provisions of this chapter, carriers engaged in intrastate commerce, and persons receiving food, drugs, devices, or cosmetics in intrastate commerce or holding such articles so received, shall, upon the request of the director, permit the director at reasonable times, to have access to and to copy all records showing the movement in intrastate commerce of any food, drug, device, or cosmetic, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof, and it shall be unlawful for any such carrier or person to fail to permit such access to and the copying of any such records so requested when such request is accompanied by a statement in writing specifying the nature or kind of food, drug, device, or cosmetic to which such request relates: PROVIDED, That evidence obtained under this section shall not be used in a criminal prosecution of the person

from whom obtained: PROVIDED FURTHER. That except for violations of section 2 of this act, penalties levied under section 7 of this act, the requirements of sections 1 through 7 of this act, and the requirements of this section, carriers shall not be subject to the other provisions of this chapter by reason of their receipt, carriage, holding, or delivery of food, drugs, devices, or cosmetics in the usual course of business as carriers.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act are each added to chapter 69.04 RCW."

On page 1, line 1 of the title, after "products," strike the remainder of the title and insert "amending RCW 69.04.810; adding new sections to chapter 69.04 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6164.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6164, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6164, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent, 8.

voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, Williams, Wojahn - 41.

Absent: Senators Amondson, Barr, Conner, Craswell, McCaslin, Owen, Vognild, West - 8.

ENGROSSED SENATE BILL NO. 6164, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Anderson, Senators Amondson and McCaslin were excused.

On motion of Senator Bender, Senators Conner and Vognild were excused.

MESSAGE FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6868 with the following amendments:

On page 2, after line 32, insert the following:

"(e) For purposes of giving informed consent for health care pursuant to RCW 7.70.050 and 7.70.065, and "incompetent" person is any person who is (i) incompetent by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his or her property or caring for himself or herself, or both, or (ii) incapacitated as defined in (a), (b), or (d) of this subsection.

"(f) For purposes of the terms "incompetent," "disabled," or "not legally competent," as those terms are used in the Revised Code of Washington to apply to persons incapacitated under this chapter, those terms shall be interpreted to mean "incapacitated" persons for purposes of this chapter."

On page 7, line 8 after "capital letters" strike "and" and insert " ; "

On page 7, line 9 after "double-spaced" insert " , and in a type size not smaller than ten-point type"

On page 6, line 15 after "and, if so" strike "shall explain"

On page 6, line 16 after "the parties, and" strike "shall explain"

On page 10, line 7 after "substantial hardship" insert "to the individual"

On page 11, line 33 after "A summary of the" insert "relevant"

On page 17, line 20 strike "RCW 11.88.090(3)(b)" and insert "((RCW 11.88.090(3)(b) RCW 11.88.090(5)(e))"

On page 18, line 22 after "condition, and" strike "need" and insert "needs"

On page 19, after line 10 insert the following subsection:

"(5) If a court determines that the person is incapacitated and that a guardian or limited guardian should be appointed, the court shall determine whether the incapacity is a result of a developmental disability as defined by RCW 71A.10.020, and if so, determine whether the incapacity due to the developmental disability can be expected to continue indefinitely."

On page 32, after line 9 insert the following subsection:

"(3) If the court has made a finding as provided in section 9(5) of this 1990 act, that the person is incapacitated as a result of a developmental disability that is expected to continue indefinitely and the incapacitated person's estate has a value, exclusive of real property, of not more than twice the homestead exemption, the court, in its discretion, may allow reports at intervals up to thirty-six months and may modify or waive certain reporting requirements in subsection (2) of this section that the court considers unduly burdensome or inapplicable. The court may not waive the requirement that the guardian or limited guardian report any substantial change in the incapacitated person's income or assets."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 40, line 11 strike "Pursuant to RCW 11.92.180(4), a" and insert "A"

On page 47, strike lines 12 through 14

On page 4, line 11, after "(5)" strike all material through "franchise" on line 14 and insert "When a court imposes a full guardianship for an incapacitated person, the person shall be considered incompetent for purposes of rationally exercising the right to vote and shall lose the right to vote, unless the court specifically finds that the person is rationally capable of exercising the franchise. Imposition of a limited guardianship for an incapacitated person may result in the loss of the right to vote when in the courts discretion, the court determines that the person is incompetent for purposes of rationally exercising the franchise"

On page 16, line 8, after "person;" strike "and" and insert "((and))"

On page 16, line 9, after "(v)" insert "An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made:"

(vi)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 16, line 12, after "guardianship" strike "," and insert "(:);"

On page 16, line 27, after "11.92.150;" insert "and"

On page 35, after line 27 insert the following:

"If the court has made a finding as provided in section 9(5) of this 1990 act, that the person is incapacitated as a result of a developmental disability that is expected to continue indefinitely, the court in its discretion, may allow reports at intervals up to thirty-six months and may modify or waive certain reporting requirements in this subsection, that the court considers inapplicable or unduly burdensome. The court may not waive the requirement that the guardian or limited guardian report any substantial change in the incapacitated person's condition."

Renumber the remaining sections consecutively and correct internal references accordingly..

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Smith moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6868.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Smith that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6868.

The motion by Senator Smith carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6868.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6868, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6868, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson,

Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Bluechel, Hayner - 2.

Excused: Senators Amondson, Conner, McCaslin, Vognild - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6868, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 2602 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sayan, Hine and Moyer.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2602 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2602 and the Senate amendments thereto: Senators Smith, Stratton and Patrick.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House refuses to recede from its amendments to SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Todd, Leonard and Winsley.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Second Substitute Senate Joint Resolution No. 8212 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Joint Resolution No. 8212 and the House amendments thereto: Senators Lee, Murray and Smith.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2378 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives H. Summers, Peery and Schoon.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute House Bill No. 2378 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 2378 and the Senate amendments thereto: Senators Bailey, Bauer and Lee.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sayan, O'Brien and Bowman.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Niemi, the Senate grants the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 6610 and the House amendments thereto, and that the conferees be advised that the President ruled Sections 20 and 21 beyond the scope and object of the bill.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6610 and the House amendments thereto: Senators Smith, Niemi and Craswell.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House adheres to its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 6255 and again asks the Senate to concur, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate insists on its position regarding the House amendments to Substitute Senate Bill No. 6255 and once again asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6767 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Brekke, Leonard and Moyer.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate adheres to its position regarding the House amendments to Engrossed Second Substitute Senate Bill No. 6767, refuses to

grant the request of the House for a conference and once again asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6771 and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6771.

MOTION

On motion of Senator Bender, Senator Kreidler was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6771, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6771, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Conner, Kreidler, McCaslin, Vognild - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6771, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House insists on its position regarding the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 6780 and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 6780.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6780, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6780, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Matson - 1.

Excused: Senators Amondson, Conner, Kreidler, McCaslin, Vognild - 5.

SECOND SUBSTITUTE SENATE BILL NO. 6780, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1990

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1890 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1890 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newhouse moved that the Senate reconsider the vote by which the amendments by Senators McCaslin, Madsen and Sutherland on page 2, lines 3, 6 and 7, were adopted March 1, 1990.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the amendments by Senators McCaslin, Madsen and Sutherland on page 2, lines 3, 6 and 7, to House Bill No. 1890 were adopted.

The motion by Senator Newhouse carried and the Senate will reconsider the amendments on page 2, lines 3, 6 and 7, to House Bill No. 1890.

MOTION

On motion of Senator Newhouse, and there being no objection, the amendments on page 2, lines 3, 6 and 7, on reconsideration, to House Bill No. 1890 were withdrawn.

MOTION

On motion of Senator Madsen, the following amendments by Senators McCaslin, Madsen and Sutherland were considered simultaneously and were adopted:

On page 2, beginning on line 3, after "forty-nine" strike all material through "area" on line 6, and insert "legislative districts"

On page 2, after line 6, insert the following:

"(4) The house of representatives shall consist of ninety-eight members, two of whom shall be elected from and run at large within each legislative district. The senate shall consist of forty-nine members, one of whom shall be elected from each legislative district."

On page 2, line 7, strike "~~((5))~~ (4)" and insert "(5)"

MOTION

On motion of Senator Newhouse, House Bill No. 1890, as amended by the Senate, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1890, as amended by the Senate, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1890, as amended by the Senate, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Sutherland, Talmadge, Vogtild, Warnke, Wojahn - 35.

Voting nay: Senators Barr, Craswell, Melcalf, Patrick, Patterson, Sellar, Thorsness, von Reichbauer, West, Williams - 10.

Absent: Senator Stratton - 1.

Excused: Senators Amondson, Conner, McCaslin - 3.

HOUSE BILL NO. 1890, as amended by the Senate, under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House receded from its amendments to SUBSTITUTE SENATE BILL NO. 6764 on page 1, lines 13 and 14, and passed the bill with the remaining House amendment to page 1, line 26, in which the Senate has concurred, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate will vote on Substitute Senate Bill No. 6764, as amended by the House on page 1, line 26.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6764, as amended by the House on page 1, line 26, but without the amendments on page 1, lines 13 and 14.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6764, as amended by the House on page 1, line 26, but without the amendments on page 1, lines 13 and 14, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Craswell, Newhouse - 2.

Excused: Senators Amondson, Conner, McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6764, as amended by the House on page 1, line 26, but without the amendments on page 1, lines 13 and 14, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6182.
 SECOND SUBSTITUTE SENATE BILL NO. 6310.
 SUBSTITUTE SENATE BILL NO. 6560.
 SENATE BILL NO. 6652.
 SUBSTITUTE SENATE BILL NO. 6668.
 SUBSTITUTE SENATE BILL NO. 6700.
 SENATE BILL NO. 6741.
 SENATE BILL NO. 6822.
 SUBSTITUTE SENATE BILL NO. 6827.
 SENATE BILL NO. 6839.
 SUBSTITUTE SENATE BILL NO. 6859.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6880 with the following amendments:

On page 4, line 19 strike "and if" and insert "because"

On page 4, line 24 after "operation," insert "An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information."

On page 4, line 19 strike "any person's" and insert "his or her"

On page 4, line 24 after "operation," insert "For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6880.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6880, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6880, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Bauer, Benitz - 2.

Excused: Senators Amondson, Conner, McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6880, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Bluechel was excused.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SENATE JOINT MEMORIAL NO. 8017 with the following amendment:

On page 1, after line 5, strike the remainder of the memorial and insert the following:

"WHEREAS, On May 11, 1792, Captain Robert Gray guided the ship "Columbia" into the mouth of the long rumored "River of the West"; and

WHEREAS, On May 17, 1792, Captain Gray gave this river the name, "Columbia River"; and

WHEREAS, Captain Robert Gray was the first American to circumnavigate the world; and
WHEREAS, The exploration of the Columbia River by Captain Gray was in part responsible for the United States' successful claims to the Oregon Country; and

WHEREAS, The 200th anniversary of the exploration of the Columbia River will be celebrated in 1992; and

WHEREAS, The Columbia River is a mighty and beautiful asset shared by the states of Washington and Oregon;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the citizens of Washington and Oregon should be informed of the approaching 200th anniversary of the exploration of the Columbia River; and

BE IT FURTHER RESOLVED, That citizens of Washington and Oregon should cooperate in planning a celebration to commemorate the 200th anniversary of the exploration under the aegis of the Washington State Historical Society and Oregon State Historical Society, respectively; and

BE IT FURTHER RESOLVED, That the Washington State Senate and House of Representatives shall offer encouragement to the International Committee for the Celebration of the Maritime Bicentennial appointed by Washington Governor Booth Gardner, Oregon Governor Neil Goldschmidt, and British Columbia Premier and President of the Executive Council William N. VanderZalm; and

BE IT FURTHER RESOLVED, That in recognition of the international significance of the Columbia River bicentennial, we commend and support the efforts of the Washington State Historical Society to create, as a permanent legacy of this observance, a Center for Columbia River History; and

BE IT FURTHER RESOLVED, That the citizens of Washington and Oregon are urged to share in the fun and festivities surrounding the 200th anniversary celebration; and

BE IT FURTHER RESOLVED, That copies of this memorial be immediately transmitted by the Secretary of the Senate to the Oregon State Senate and House of Representatives."

and the joint memorial and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendment to Senate Joint Memorial No. 8017.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8017, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8017, as amended by the House, and the joint memorial passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Bluechel, Conner, McCaslin - 4.

SENATE JOINT MEMORIAL NO. 8017, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 2, 1990

Mr. President:

The House has passed SENATE JOINT MEMORIAL NO. 8023 with the following amendment:

On page 1, line 4, after "CONGRESS ASSEMBLED:" strike the remaining material and insert the following:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, There are over 17,700,000 acres of commercial forest land in Washington state; and

WHEREAS, Nearly fifty-one percent or more than 8.8 million acres of this is publicly owned with 5.2 million acres owned by the federal government; and

WHEREAS, 2,337,000 acres of this commercial forest land base managed by agencies of the United States Government, has been withdrawn from timber management activities as follows:

Commercial Forest Land

| | |
|---|---------------|
| Olympic National Park | 800,000 acres |
| North Cascades National Park | 274,000 acres |
| Mt. Rainier National Park | 106,000 acres |
| Ross Lake National Recreation Area | 70,000 acres |
| Lake Chelan National Recreation Area | 40,000 acres |
| Glacier Peak Wilderness (1964, 1968, 1984) | 165,500 acres |
| Pasaytan Wilderness (1968, 1984) | 262,200 acres |
| Alpine Lakes Wilderness (1976) | 66,400 acres |
| Goat Rocks Wilderness (1976, 1984) | 62,100 acres |
| Mount St. Helens National Volcanic Monument (1982) | 57,000 acres |

Whereas, The additional following areas of commercial forest land were withdrawn for the first time by the Washington Wilderness Act of 1984:

Commercial Forest Land

| | |
|-----------------------------------|---------------|
| Boulder River Wilderness | 25,600 acres |
| Clearwater Wilderness | 10,300 acres |
| Henry M. Jackson Wilderness | 41,600 acres |
| Mt. Baker Wilderness | 34,400 acres |
| Noisy - Dobsud Wilderness | 8,300 acres |
| Norse Peak Wilderness | 29,200 acres |
| Lake Chelan - Sawtooth Wilderness | 46,400 acres |
| William O. Douglas Wilderness | 128,200 acres |
| Glacier View Wilderness | 2,700 acres |
| Tatoosh Wilderness | 9,000 acres |
| Mt. Adams Wilderness | 17,400 acres |
| Indian Heaven Wilderness | 12,900 acres |
| Trapper Creek Wilderness | 4,900 acres |
| Buckhorn Wilderness | 12,000 acres |
| Colonel Bob Wilderness | 9,200 acres |
| Mt. Skokomish Wilderness | 6,400 acres |
| The Brothers Wilderness | 8,700 acres |

Wonder Mountain Wilderness
Salmo Priest Wilderness

1,700 acres
25,000 acres

WHEREAS, The Forest Service has demonstrated throughout the National Forest Management Act planning process that the national forests in Washington have the capability of providing, on a sustained yield, multiple-use basis, a benchmark volume of 1.5 billion board feet of timber annually while meeting all obligations and requirements of law, including stringent measures to protect water, wildlife, fish, air, and soil; and

WHEREAS, The Forest Service planning process has treated timber production and the communities dependent upon that production as only a residual value of the federal forest lands in Washington; and

WHEREAS, The historical average timber sale volume from Washington national forests for the past five years prior to 1989 is 1.2 billion board feet, or 300 million board feet less than the benchmark volume; and

WHEREAS, National Forest Management Act plans now being finalized for Washington national forests propose a further thirty-three percent reduction in harvest levels from the remaining national forest lands; and

WHEREAS, Proposals to or before the Congress call for withdrawal of up to an additional forty percent of federal harvestable lands; and

WHEREAS, These withdrawals, some of which come from the Grays Harbor Federal Sustained Yield Unit, are inconsistent with fifty-year old promises made to communities who based their livelihoods upon such promises; and

WHEREAS, The reduction of available timber cannot be made up from the sale of additional timber above sustained yield levels from private lands and state trust lands; and

WHEREAS, Approximately 180,000 Washington citizens are directly or indirectly dependent on the forest products industry for their livelihoods, it being the state's second largest employer; and

WHEREAS, The office of the governor of the state of Washington has estimated that a forty-three percent decline in the Forest Service harvest level could result in a worst-case, one-time, job loss impact of over 18,000 jobs; and

WHEREAS, The social and economic infrastructures of many rural counties and communities in Washington state are highly dependent on the forest products industry; and

WHEREAS, Timber from federal forest lands has historically contributed more than twenty percent of the raw material for the state's forest products industry and, in many communities, federal forests supply the majority of the raw material; and

WHEREAS, The reduction in federal timber harvest will significantly reduce revenues to the state of Washington from virtually all of its major revenue sources: Sales taxes, business and occupation taxes, and timber harvest excise taxes, and will reduce revenues that support schools and county government from their share of federal stumpage receipts and reduces the property tax base; and

WHEREAS, Federal, not state, decisions have and will drastically affect the timber industry and all those jobs associated with it; and

WHEREAS, The United States Forest Service has been unable to ensure stability in timber supply or stable, long-term management of our nation's forests;

NOW, THEREFORE, Your Memorialists respectfully pray that:

(1) Congress recognize its historic commitment to the timber processing communities of the state of Washington to maintain a harvestable national forest acreage base that will sustain traditional, predictable, and historical average annual sales levels;

(2) Congress direct its attention to providing funds and direction to the United States Forest Service to achieve silviculturally sound management of those lands left for timber production to fully utilize those lands to produce the wood for our nation's many wood product uses;

(3) Congress recognize the investment that communities have made based on the belief that the Forest Service lands will produce a relatively stable timber sales level and that deviations from historical sales levels can cause a community economic and social distress;

(4) Congress appropriate funds to assist local communities affected by the reduction in historic timber sales level to be used for economic diversification, modernizing mills, and encouragement of additional manufacturing in Washington;

(5) Congress include in its commitment to protecting some lands from timber harvesting a commitment to practice innovative forest management on lands not suited to traditional timber harvesting and to use timber management practices on the remaining forest land base which will produce the highest possible timber yields consistent with prudent land management;

(6) Congress amend the National Forest Management Act planning process to recognize the economic needs of people, communities, and consumers and grant them equal status and consideration with the needs of environmental protection; and

(7) Congress enact capital gains and other tax legislation specifically related to the timber industry which will encourage rather than discourage investment in timber production on private lands; and

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States Senate, the

Speaker of the House of Representatives, and each member of Congress from the State of Washington.”.

and the joint memorial and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Anderson, the Senate concurred in the House amendment to Senate Joint Memorial No. 8023.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8023, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8023, as amended by the House, and the joint memorial passed the Senate by the following vote: Yeas, 38; nays, 7; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogniid, von Reichbauer, Warnke, West - 38.

Voting nay: Senators Fleming, Niemi, Patterson, Rinehart, Talmadge, Williams, Wojahn - 7.
Absent: Senator Hayner - 1.

Excused: Senators Amondson, Conner, McCaslin - 3.

SENATE JOINT MEMORIAL NO. 8023, as amended by the House, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION CONFERENCE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5545

Senator Newhouse moved that the Senate reconsider the motion by which the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5545 on March 5, 1990.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which a conference was granted on Engrossed Substitute Senate Bill No. 5545.

The motion by Senator Newhouse carried and the Senate will reconsider the motion to grant the request of the House for a conference on Engrossed Substitute Senate Bill No. 5545.

MOTION

On motion of Senator Newhouse, the motion to grant a conference on Engrossed Substitute Senate Bill No. 5545 was withdrawn.

MOTION

On motion of Senator Newhouse, the Senate refuses to grant the request of the House for a conference on Engrossed Substitute Senate Bill No. 5545 and the House amendments thereto, and once again asks the House to recede therefrom.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 5, 1990

GA 9208 LEONARD A. McCOMB, appointed November 13, 1989, for a term ending at the Governor's pleasure, as Director of the Office of Financial Management.

Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Cantu, Fleming, Gaspard, Lee, Matson, Moore, Owen, Saling, Williams.

Passed to Committee on Rules.

March 5, 1990

GA 9154 MATTHEW J. COYLE, appointed June 30, 1989, for a term ending March 1, 1995, as a Member of the Board of Tax Appeals.
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Cantu, Fleming, Gaspard, Lee, Matson, Moore, Niemi, Owen, Saling.

Passed to Committee on Rules.

MOTION

At 4:47 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, March 7, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 7, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Gaspard, McCaslin and Vognild. On motion of Senator Anderson, Senators Amondson and McCaslin were excused. On motion of Senator Bender, Senators Gaspard and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Carla Broggi and Paula Smasne, presented the Colors. The Most Reverend Thomas J. Murphy, Coadjutor Archbishop of Seattle, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

March 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 6, 1990, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 6200

Relating to the extension of the final report date and expiration date of the task force on ports and local associate development organizations.

Senate Bill No. 6210

Relating to radiologic technologists.

Senate Bill No. 6267

Relating to regulation of occupational therapy.

Senate Bill No. 6327

Relating to exempt positions within the Washington state patrol.

Senate Bill No. 6354

Relating to apple grades.

Substitute Senate Bill No. 6463

Relating to services and activities fee programs.

Senate Bill No. 6510

Relating to registration of telecommunication companies.

Senate Bill No. 6514

Relating to attorney's fees before the department of labor and industries and the board of industrial insurance appeals.

Substitute Senate Bill No. 6531

Relating to port district road improvements.

Senate Bill No. 6549

Relating to compensation of public utility district employees.

Senate Bill No. 6558

Relating to the examination for the renewal of a driver's license.

Substitute Senate Bill No. 6572

Relating to fraud in obtaining telecommunications services.

Substitute Senate Bill No. 6573

Relating to the administration of the energy facility site evaluation council.

Senate Bill No. 6576

Relating to the harvesting of wild mushrooms.

Substitute Senate Bill No. 6594

Relating to administration of the department of retirement systems.

Substitute Senate Bill No. 6600

Relating to contribution rates to the state retirement systems.

Senate Bill No. 6640

Relating to expanding the use of hotel-motel tax revenues for the department of tourism strategies.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGES FROM THE HOUSE

March 6, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1565,
 SECOND SUBSTITUTE HOUSE BILL NO. 1653,
 HOUSE BILL NO. 1957,
 HOUSE BILL NO. 2289,
 HOUSE BILL NO. 2306,
 HOUSE BILL NO. 2343,
 SUBSTITUTE HOUSE BILL NO. 2344,
 HOUSE BILL NO. 2345,
 SUBSTITUTE HOUSE BILL NO. 2375,
 HOUSE BILL NO. 2386,
 HOUSE BILL NO. 2445,
 SUBSTITUTE HOUSE BILL NO. 2476,
 HOUSE BILL NO. 2492,
 HOUSE BILL NO. 2705,
 HOUSE BILL NO. 2746,
 SUBSTITUTE HOUSE BILL NO. 2752,
 HOUSE BILL NO. 2761,
 HOUSE BILL NO. 2797,
 HOUSE BILL NO. 2855,
 SUBSTITUTE HOUSE BILL NO. 2940,
 HOUSE BILL NO. 2959,
 SECOND SUBSTITUTE HOUSE BILL NO. 2986,
 HOUSE BILL NO. 2989, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 6, 1990

Mr. President:

The Speaker has concurred in the Senate amendment(s) to the following House Bills and has passed said bills as amended by the Senate:

HOUSE BILL NO. 2475,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2494,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2907,
 ENGROSSED HOUSE BILL NO. 2939.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1565,
 SECOND SUBSTITUTE HOUSE BILL NO. 1653,
 HOUSE BILL NO. 1957,
 HOUSE BILL NO. 2289,
 HOUSE BILL NO. 2306,
 HOUSE BILL NO. 2343,
 SUBSTITUTE HOUSE BILL NO. 2344,
 HOUSE BILL NO. 2345,
 SUBSTITUTE HOUSE BILL NO. 2375,
 HOUSE BILL NO. 2386,
 HOUSE BILL NO. 2445,
 SUBSTITUTE HOUSE BILL NO. 2476,
 HOUSE BILL NO. 2492,
 HOUSE BILL NO. 2705,
 HOUSE BILL NO. 2746,

SUBSTITUTE HOUSE BILL NO. 2752,
 HOUSE BILL NO. 2761,
 HOUSE BILL NO. 2797,
 HOUSE BILL NO. 2855,
 SUBSTITUTE HOUSE BILL NO. 2940,
 HOUSE BILL NO. 2959,
 SECOND SUBSTITUTE HOUSE BILL NO. 2986,
 HOUSE BILL NO. 2989.

MOTION

On motion of Senator Owen, the following resolution was adopted:

SENATE RESOLUTION 1990-8740

by Senators Owen, Gaspard, von Reichbauer and Madsen

WHEREAS, Washington National Guard Lieutenant Colonel Ronald G. Zukus, 49, of Puyallup, tragically lost his life February 4, 1990; and

WHEREAS, Lieutenant Colonel Zukus was attempting to assist another motorist involved in an accident and was hit by an oncoming car which slid out of control; and

WHEREAS, Colonel Z, as he was known to his friends and colleagues, died instantly while performing his Good Samaritan deed; and

WHEREAS, Good Samaritan deeds exemplified Ron Zukus' life from his early years raised in an orphanage through his formative years in the home of Don Bayer, a relative, and during his successful career in the Washington National Guard; and

WHEREAS, Ron anonymously performed many charitable acts on behalf of less fortunate fellow employees and acquaintances throughout his life;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the citizens of this state recognize and appreciate the humanitarian effort which cost Lieutenant Colonel Ronald G. Zukus his life and the similar deeds Ron performed throughout his life; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the survivors of Lieutenant Colonel Zukus, his son Steven of Puyallup and his daughter Christine of Lakewood.

MOTION

On motion of Senator Barr, the following resolution was adopted:

SENATE RESOLUTION 1990-8738

by Senators Barr, Madsen, Benitz, Gaspard, Nelson, Metcalf, Bailey, Hansen and Conner

WHEREAS, The United States Congress passed in 1980, and amended in 1985, the "National Aquaculture Act" defining aquaculture as agriculture and designating the United States Department of Agriculture as the lead agency; and

WHEREAS, The Washington State Legislature passed Senate Bill No. 3067 in 1985, defining aquaculture as agriculture and that aquaculture should become part of agriculture in all laws that apply to or provide for the advancement, benefit, or protection of the agriculture industry and protection of the agriculture industry; and

WHEREAS, Aquaculture medical and technical services such as diagnostics and certification to private, commercial sector aquaculture in Washington state are not provided for normal business growth and operations from any source; and

WHEREAS, There is no training or medical service curriculum provided at any Washington institution of higher learning for private sector aquatic animal health, diagnostics, or certification; and

WHEREAS, These services are needed by the aquaculture industry of this state in order to provide economic growth as directed by the Governor's "Policy on Aquaculture"; and

WHEREAS, Medical and technical services are provided for other forms of animal husbandry from Washington State University at both the main campus and the University's extension station near Puyallup;

NOW, THEREFORE, BE IT RESOLVED, That Washington State University and the Washington State Department of Agriculture shall establish within the Land Grant University's School of Veterinary Medicine and other appropriate branches of the agriculture colleges, veterinary support and staff training for aquatic animal health management and other medical and technical services similar to those of the balance of the animal livestock industry; and

BE IT FURTHER RESOLVED, That in coordination with the aquaculture industry, Washington State University, in liaison with University of Washington, and the Washington State Department of Agriculture shall consider planning for an extension diagnostic, certification, and medical curriculum for aquatic animal health and husbandry within the school of veterinary medicine and to present to the 1991 Legislature its recommended program and proposed operational budget; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to representatives of the aquaculture industry, the Presidents of Washington State University and the University of Washington, and the Director of the Washington State Department of Agriculture, for their respective action.

Senator Hansen spoke to Senate Resolution 1990-8738.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House receded from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6499 on page 1, lines 8, 12, and 25, and passed the bill with the amendment on page 1, line 9, in which the Senate concurred, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate will vote on the final passage of Engrossed Substitute Senate Bill No. 6499, as amended by the House on page 1, line 9, but without House amendments on page 1, lines 8, 12 and 25.

POINT OF INQUIRY

Senator Wojahn: "Senator Nelson, can you tell me what the fee was raised to for a filing in a small claims court?"

Senator Nelson: "Senator Wojahn, the county legislative authority of each county would be permitted to impose a surcharge of up to ten dollars on each civil fee in the district court and up to five dollars on the filing fee in a small claims court. These are all optional and they have to be voted on by the county legislative authority."

Senator Wojahn: "I see. Presently, it is five dollars, is that the fee?"

Senator Nelson: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6499, as amended by the House on page 1, line 9, but without the House amendments on page 1, lines 8, 12 and 25.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6499, as amended by the House on page 1, line 9, but without the amendments on page 1, lines 8, 12 and 25, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 42.

Voting nay: Senators Rasmussen, Wojahn - 2.

Absent: Senator Fleming - 1.

Excused: Senators Amondson, Gaspard, McCaslin, Vognilid - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, as amended by the House on page 1, line 9, but without the amendments on page 1, lines 8, 12 and 25, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The House adheres to its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5450 and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Bailey moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 5450 and once again requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate do not concur in the House amendments and once again requests a conference thereon to Engrossed Substitute Senate Bill No. 5450.

The motion by Senator Bailey carried and the Senate did not concur in the House amendments and requests of the House a conference thereon to Engrossed Substitute Senate Bill No. 5450.

REPORT OF CONFERENCE COMMITTEE

RE: HB 1307

Revising assessment levels for equalizing personal property.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate amendments by Senators Warnke and McDonald, adopted on March 2, 1990, be adopted, and the bill be further amended as follows:

On page 2, after line 31, insert the following:

*Sec. 2. Section 12, chapter 55, Laws of 1983 1st ex. sess. and RCW 84.36.043 are each amended to read as follows:

(1) The real and personal property ~~((of))~~ used by a nonprofit organization ~~((used))~~ in providing nonpermanent shelter to ~~((indigent))~~ low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

(a) The charge, if any, for the shelter does not exceed the actual cost of operating and maintaining the shelter facility; and

(b) (i) The property is owned by the nonprofit organization; or

(ii) For taxes levied for collection in 1991 through 1999 only, the property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

Sec. 3. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 4, chapter 379, Laws of 1989 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 ((or)), 84.36.041, or 84.36.043 or those qualified for exemption as an association engaged in the production or performance of musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

Sec. 4. Section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 5, chapter 379, Laws of 1989 and RCW 84.36.810 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.050, and 84.36.060, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes: PROVIDED, That where the property has been granted an exemption for more than ten years, taxes and interest shall not be assessed under this section.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property has lost its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on property that had been exempt under RCW 84.36.040, 84.36.041, 84.36.043, or 84.36.060;

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(2), as long as some portion of the home remains exempt;

(h) The conversion of a full exemption of a home for the aging to a partial exemption or taxable status under RCW 84.36.041(7).

NEW SECTION. Sec. 5. A new section is added to chapter 84.52 RCW to read as follows:

(1) It is the intent of this section to allow public hospital districts and metropolitan park districts to utilize levy authority approved by the voters pursuant to RCW 84.52.100 for the duration of such voter approval. It is further the intent of this section that these levies be made between the statutory tax rate limits established by RCW 84.52.043 and the applicable constitutional limits.

(2) Any increase of cumulative limitation approved by the voters of a public hospital district or metropolitan park district pursuant to RCW 84.52.100 prior to the effective date of the repeal of that provision shall remain valid and such district may levy such amount as the appropriate levy capacity may allow for the time authorized by the voters: PROVIDED, That no other levy, including fire district, library district, conservation futures under RCW 84.34.230, and emergency medical care or services under RCW 84.52.069 shall be reduced as a result of the increased public hospital district or metropolitan park district levy.

NEW SECTION. Sec. 6. Section 5 of this act expires December 31, 1996.*

Renumber the remaining sections consecutively.

On page 1, line 1 of the title, after "taxation:" strike the remainder of the title and insert "amending RCW 84.48.080, 84.36.043, 84.36.805, and 84.36.810; adding a new section to chapter 84.52 RCW; and providing an expiration date."

Signed by Senators Craswell, Niemi, Bailey; Representatives Wang, Phillips, Holland.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on House Bill No. 1307 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 2426

Revising provisions for employer contribution for unemployment compensation.

March 5, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate amendment on page 5, line 19, adopted on March 1, 1990, be rejected, and the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 256, Laws of 1987 and by section 2, chapter 278, Laws of 1987 and RCW 50.04.030 are each reenacted and amended to read as follows:

"Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual next files an application for an initial determination after the expiration of the individual's last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in "employment" in not less than six hundred eighty hours of the individual's base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual worked and earned wages ((in "employment")) since the ((beginning of)) initial separation from employment in the previous benefit ((year's waiting period under RCW 50.20.010(4))) year of not less than six times the weekly benefit amount computed for the individual's new benefit year.

If an individual's prior benefit year was based on the last four completed calendar quarters, a new benefit year shall not be established until the new base year does not include any hours used in the establishment of the prior benefit year.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals.

Sec. 2. Section 5, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.205 are each amended to read as follows:

Except as provided in section 3 of this act, services performed by aliens legally or illegally admitted to the United States shall be considered services in employment subject to the payment of contributions to the extent that services by citizens are covered.

NEW SECTION. Sec. 3. A new section is added to chapter 50.04 RCW to read as follows:

The term "employment" shall not include service that is performed by a nonresident alien for the period he or she is temporarily present in the United States as a nonimmigrant under subparagraph (F), (H)(iii), or (J) of section 101(a)(15) of the federal immigration and naturalization act, as amended, and that is performed to carry out the purpose specified in the applicable subparagraph of the federal immigration and naturalization act.

Sec. 4. Section 84, chapter 35, Laws of 1945 as last amended by section 4, chapter 266, Laws of 1959 and RCW 50.20.160 are each amended to read as follows:

(1) A determination of amount of benefits potentially payable issued pursuant to the provisions of RCW 50.20.120 and 50.20.140 shall not serve as a basis for appeal but shall be subject to request by the claimant for reconsideration and/or for redetermination by the commissioner at any time within one year from the date of delivery or mailing of such determination, or any redetermination thereof: PROVIDED, That in the absence of fraud or misrepresentation on the part of the claimant, any benefits paid prior to the date of any redetermination which reduces the amount of benefits payable shall not be subject to recovery under the provisions of RCW 50.20.190. A denial of a request to reconsider or a redetermination shall be furnished the claimant in writing and provide the basis for appeal under the provisions of RCW 50.32.020.

(2) A determination of denial of benefits issued under the provisions of RCW 50.20.180 shall become final, in absence of timely appeal therefrom: PROVIDED, That the commissioner may reconsider and redetermine such determinations at any time within one year from delivery or mailing to correct an error in identity, omission of fact, or misapplication of law with respect to the facts.

(3) A determination of allowance of benefits shall become final, in absence of a timely appeal therefrom: PROVIDED, That the commissioner may redetermine such allowance at any time within two years following the benefit year in which such allowance was made in order to recover any benefits improperly paid and for which recovery is provided under the provisions of RCW 50.20.190: AND PROVIDED FURTHER, That in the absence of fraud, misrepresentation, or nondisclosure, this provision or the provisions of RCW 50.20.190 shall not be construed so as to permit redetermination or recovery of an allowance of benefits which having been made after consideration of the provisions of RCW 50.20.010(3), or the provisions of RCW 50.20.050, 50.20.060, 50.20.080, or 50.20.090 has become final.

(4) A redetermination may be made at any time: (a) To conform to a final court decision applicable to either an initial determination or a determination of denial or allowance of benefits; (b) in the event of a back pay award or settlement affecting the allowance of benefits; or (c) in the case of fraud, misrepresentation, or willful nondisclosure. Written notice of any such redetermination shall be promptly given by mail or delivered to such interested parties as were notified of the initial determination or determination of denial or allowance of benefits and any new interested party or parties who, pursuant to such regulation as the commissioner may prescribe, would be an interested party.

Sec. 5. Section 87, chapter 35, Laws of 1945 as last amended by section 2, chapter 92, Laws of 1989 and RCW 50.20.190 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of the individual's benefit year in which the purported overpayment was made unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that said overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty

days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee of five dollars. The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) When an individual has been awarded or receives back pay, the amount of the back pay shall constitute wages paid in the period for which it was awarded. No person is liable for the amount of benefits if the amount of the back pay award or settlement was reduced by the amount of benefits received. When the amount of the back pay award or settlement was reduced by the amount of benefits received, the employer shall pay to the unemployment compensation fund an amount equal to the amount of such reduction. An employer who is a party to any back pay award or settlement shall, within thirty days of the settlement, report to the department the amount of benefits by which the award or settlement was reduced, if any, and the name and social security number of the person who received the award or settlement.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent of the outstanding balance for each month that payments are not made in a timely fashion. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070. For any other overpayment, interest shall accrue when the individual has missed two or more of their monthly payments either partially or in full. The interest penalty shall be used to fund detection and recovery of overpayment and collection activities.

Sec. 6, Section 99, chapter 35, Laws of 1945 as last amended by section 5, chapter 111, Laws of 1987 and RCW 50.24.110 are each amended to read as follows:

The commissioner is hereby authorized to issue to any person, firm, corporation, political subdivision, or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when ~~(he)~~ the commissioner has reason to believe that there is in the possession of such person, firm, corporation, political subdivision, or department, property which is due, owing, or belonging to any person, firm, or corporation upon whom the department has served a benefit overpayment assessment or a notice and order of assessment for unemployment compensation contributions, interest, or penalties. The effect of a notice to withhold and deliver shall be continuous from the date such notice and order to withhold and deliver is first made until the liability is satisfied or becomes unenforceable because of a lapse of time.

The notice and order to withhold and deliver shall be served by the sheriff or the sheriff's deputy of the county wherein the service is made ~~(or by his deputy)~~, by certified mail, return receipt requested, or by any duly authorized representative of the commissioner. Any person, firm, corporation, political subdivision, or department upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice.

In the event there is in the possession of any such person, firm, corporation, political subdivision, or department, any property which may be subject to the claim of the employment security department of the state, such property shall be delivered forthwith to the commissioner or ~~(his)~~ the commissioner's duly authorized representative upon demand to be held in trust by the commissioner for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, or in the alternative, there shall

be furnished a good and sufficient bond satisfactory to the commissioner conditioned upon final determination of liability.

Should any person, firm, or corporation fail to make answer to an order to withhold and deliver within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against such person, firm, or corporation for the full amount claimed by the commissioner in the notice to withhold and deliver, together with costs.

Sec. 7, Section 5, chapter 205, Laws of 1984 as last amended by section 79, chapter 380, Laws of 1989 and RCW 50.29.025 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

| Interval of the Fund Balance Ratio Expressed as a Percentage |
|--|
| 3.40 and above |
| 2.90 to 3.39 |
| 2.40 to 2.89 |
| 1.90 to 2.39 |
| 1.40 to 1.89 |
| Less than 1.40 |

| Effective Tax Schedule |
|---------------------------|
| A |
| B |
| C |
| D |
| E |
| F |

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

| Percent of Cumulative Taxable Payrolls | | Rate Class | Schedule of Contribution Rates for Effective Tax Schedule | | | | | |
|--|-------|---------------|--|------|------|------|------|------|
| From | To | | A | B | C | D | E | F |
| 0.00 | 5.00 | 1 | 0.48 | 0.58 | 0.98 | 1.48 | 1.88 | 2.48 |
| 5.01 | 10.00 | 2 | 0.48 | 0.78 | 1.18 | 1.68 | 2.08 | 2.68 |
| 10.01 | 15.00 | 3 | 0.58 | 0.98 | 1.38 | 1.78 | 2.28 | 2.88 |
| 15.01 | 20.00 | 4 | 0.78 | 1.18 | 1.58 | 1.98 | 2.48 | 3.08 |
| 20.01 | 25.00 | 5 | 0.98 | 1.38 | 1.78 | 2.18 | 2.68 | 3.18 |
| 25.01 | 30.00 | 6 | 1.18 | 1.58 | 1.98 | 2.38 | 2.78 | 3.28 |
| 30.01 | 35.00 | 7 | 1.38 | 1.78 | 2.18 | 2.58 | 2.98 | 3.38 |
| 35.01 | 40.00 | 8 | 1.58 | 1.98 | 2.38 | 2.78 | 3.18 | 3.58 |
| 40.01 | 45.00 | 9 | 1.78 | 2.18 | 2.58 | 2.98 | 3.38 | 3.78 |
| 45.01 | 50.00 | 10 | 1.98 | 2.38 | 2.78 | 3.18 | 3.58 | 3.98 |
| 50.01 | 55.00 | 11 | 2.28 | 2.58 | 2.98 | 3.38 | 3.78 | 4.08 |
| 55.01 | 60.00 | 12 | 2.48 | 2.78 | 3.18 | 3.58 | 3.98 | 4.28 |
| 60.01 | 65.00 | 13 | 2.68 | 2.98 | 3.38 | 3.78 | 4.18 | 4.48 |
| 65.01 | 70.00 | 14 | 2.88 | 3.18 | 3.58 | 3.98 | 4.38 | 4.68 |
| 70.01 | 75.00 | 15 | 3.08 | 3.38 | 3.78 | 4.18 | 4.58 | 4.78 |
| 75.01 | 80.00 | 16 | 3.28 | 3.58 | 3.98 | 4.38 | 4.68 | 4.88 |
| 80.01 | 85.00 | 17 | 3.48 | 3.78 | 4.18 | 4.58 | 4.88 | 4.98 |
| 85.01 | 90.00 | 18 | 3.88 | 4.18 | 4.58 | 4.88 | 4.98 | 5.18 |

| | | | | | | | | |
|-------|--------|----|------|------|------|------|------|------|
| 90.01 | 95.00 | 19 | 4.28 | 4.58 | 4.98 | 5.08 | 5.18 | 5.38 |
| 95.01 | 100.00 | 20 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 |

(b) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989(;;) amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 8. Section 16, chapter 2, Laws of 1970 ex. sess. as last amended by section 19, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.070 are each amended to read as follows:

~~(Within a reasonable time after the computation date, each employer shall be notified of the total amount of benefits charged to his account during the twelve-month period immediately preceding the computation date and, upon request, the amount of such charges with respect to each individual receiving unemployment benefits charged to his account;)~~

Within a reasonable time after the computation date each employer shall be notified of ~~((his))~~ the employer's rate of contribution as determined for the succeeding rate year and factors used in the calculation.

Any employer dissatisfied with the benefit charges made to ~~((his))~~ the employer's account for the twelve-month period immediately preceding the computation date or with his or her determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within ~~((ten))~~ thirty days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section.

Sec. 9. Section 23, chapter 3, Laws of 1971 as last amended by section 24, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.44.060 are each amended to read as follows:

Benefits paid to employees of "nonprofit organizations" shall be financed in accordance with the provisions of this section. For the purpose of this section and RCW 50.44.070, the term "nonprofit organization" is limited to those organizations described in RCW 50.44.010, and joint accounts composed exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title on or after January 1, 1972 shall pay contributions under the provisions of RCW 50.24.010 and chapter 50.29 RCW, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment ~~((which begin during the effective period of such election))~~ that are based upon wages paid or payable during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

(a) Any nonprofit organization which becomes subject to this title after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner not later than thirty days immediately following the date of the determination of such subjectivity.

(b) Any nonprofit organization which makes an election in accordance with paragraph (a) of this subsection will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

(c) Any nonprofit organization which has been paying contributions under this title for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(d) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

(e) The commissioner, in accordance with such regulations as ~~(he)~~ the commissioner may prescribe, shall notify each nonprofit organization of any determination which ~~(he)~~ the commissioner may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination with the commissioner within thirty days of the mailing of the determination to the organization. Should such request for review and redetermination be denied, the organization may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either paragraph (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) The percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

(B) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with paragraph (c). If the total payments exceed the amount so determined for the taxable year, all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under paragraph (a) or (b) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest and penalties from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.12.220 and 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraphs (a) ~~((through (d)))~~ and (b) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more

employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

Sec. 10, Section 82, chapter 380, Laws of 1989 and RCW 49.30.005 are each amended to read as follows:

(1) It is the intent of the legislature that the department assist agricultural employers in mitigating the costs of the state's unemployment insurance program. The department shall work with members of the agricultural community to: Improve understanding of the program's operation; increase compliance with work-search requirements; provide prompt notification of the potential claims against an employer's experience rating; inform employers of their rights; inform employers of the actions necessary to appeal a claim and to protect their rights; and reduce claimant and employer fraud. These efforts shall include:

- (a) Conducting employer workshops and community seminars;
- (b) Developing new educational materials; and
- (c) Developing forms that use lay language.

(2) The employment security department, the department of labor and industries, the department of licensing, and the department of revenue shall develop a plan to implement voluntary combined reporting for agricultural employers by January 1, ~~((1991))~~ 1992. The departments shall submit the plan to the legislature by January 10, 1990, and include recommendations for legislation necessary to standardize and simplify statutory coverage and other requirements. Such standardization shall be as consistent with federal requirements as possible.

The departments shall consult with representatives of agricultural employer and labor associations and general business associations in the development of the plan and legislation. The departments shall ensure that they accommodate the needs of small agricultural employers in particular.

(3) The department shall report to the appropriate standing committees of the legislature by January 10, 1990, 1991, and 1992 and include a description of the activities of the department to carry out the intents of this section and provide quantitative data where possible on the effectiveness of the activities undertaken by the department to comply with the intents of this section during the previous calendar year.

NEW SECTION, Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION, Sec. 12. (1) Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 2, 3, and 6 through 9 of this act shall take effect on July 1, 1990.*

On page 1, line 2 of the title, after "compensation;" strike the remainder of the title and insert "amending RCW 50.04.205, 50.20.160, 50.20.190, 50.24.110, 50.29.025, 50.29.070, 50.44.060, and 49.30.005; reenacting and amending RCW 50.04.030; adding a new section to chapter 50.04 RCW; creating a new section; providing an effective date; and declaring an emergency."

Signed by Senators Lee, McMullen, Matson; Representatives Vekich, Prentice, Smith.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 2426 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 2430

Revising provisions for motor vehicle warranties.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Economic Development and Labor amendments adopted on March 2, 1990, be rejected and the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 344, Laws of 1987 as amended by section 1, chapter 347, Laws of 1989 and RCW 19.118.021 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means new motor vehicle arbitration board.
 (2) "Collateral charges" means any sales or lease related charges including but not limited to sales tax, use tax, arbitration service fees, unused license fees, unused registration fees, unused title fees, finance charges, prepayment penalties, credit disability and credit life insurance costs not otherwise refundable, any other insurance costs prorated for time out of service, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory or dealer installed options.

(3) "Condition" means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.

(4) "Consumer" means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the warranty period defined under this section.

(5) "Court" means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.

(6) "Incidental costs" means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.

(7) "Manufacturer" means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers. "Manufacturer" does not include any person engaged in the business of set-up of motorcycles as an agent of a new motor vehicle dealer if the person does not otherwise construct or assemble motorcycles.

(8) "Motorcycle" means any motorcycle as defined in RCW 46.04.330 which has an engine displacement of at least seven hundred fifty cubic centimeters.

~~((#))~~ (9) "New motor vehicle" means any new self-propelled vehicle, including a new motorcycle, primarily designed for the transportation of persons or property over the public highways that, after original retail purchase or lease in this state, was initially registered in this state or for which a temporary motor vehicle license was issued pursuant to RCW 46.16.460, but does not include vehicles purchased or leased by a business as part of a fleet of ten or more vehicles. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as a mobile dwelling, office, or commercial space. The term "new motor vehicle" does not include ~~((motorcycles or))~~ trucks with nineteen thousand pounds or more gross vehicle weight rating. The term "new motor vehicle" includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.

~~((#))~~ (10) "New motor vehicle dealer" means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is licensed as a dealer by the state of Washington.

~~((#))~~ (11) "Nonconformity" means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.

~~((#))~~ (12) "Purchase price" means the cash price of the new motor vehicle appearing in the sales agreement or contract, including any allowance for a trade-in vehicle; "purchase price" in the instance of a lease means the purchase price or value of the vehicle declared to the department of licensing for purposes of tax collection.

Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects repurchase of the motor vehicle, "purchase price" means the purchase price of the second or subsequent purchase or lease. Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects replacement of the motor vehicle, "purchase price" means the original purchase price.

~~((#))~~ (13) "Reasonable offset for use" means the definition provided in RCW 19.118.041(1)(c) for a new motor vehicle other than a new motorcycle. The reasonable offset for

use for a new motorcycle shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by twenty-five thousand.

((14)) (14) "Reasonable number of attempts" means the definition provided in RCW 19.118.041.

((15)) (15) "Replacement motor vehicle" means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options.

((16)) (16) "Serious safety defect" means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

((17)) (17) "Substantially impair" means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.

((18)) (18) "Warranty" means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term "warranty" pertains to the obligations of the manufacturer in relation to materials, workmanship, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the warranty period as defined under this section.

((19)) (19) "Warranty period" means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first.

NEW SECTION. Sec. 2. The purpose of this chapter is to protect the public and contract providers from losses arising from the mismanagement of funds paid for motor vehicle service contracts, to better inform the public of their rights and obligations under the contracts, to permit purchasers of such contracts the opportunity to return the contract for a refund, and to require the liabilities owed under these contracts to be fully insured, rather than partially insured, or insured only in the event of provider default.

NEW SECTION. Sec. 3. (1) Every insurer issuing a reimbursement insurance policy shall include, as a part of the policy, the motor vehicle service contract(s) that the reimbursement insurance policy is intended to cover. Notwithstanding RCW 48.18.100, subsequent changes to the motor vehicle service contract(s) must be filed by the insurer with the commissioner no later than thirty days after the date of the change.

(2) Every insurer issuing a reimbursement insurance policy must require that premiums due for coverage under the policy be paid directly by the provider to the insurer or its agent.

NEW SECTION. Sec. 4. A motor vehicle service contract shall not be issued, sold, or offered for sale in this state unless the contract contains a conspicuous statement that has been initiated by the service contract holder and discloses:

(1) Any material conditions that the service contract holder must meet to maintain coverage under the contract including, but not limited to any maintenance schedule to which the service contract holder must adhere, any requirement placed on the service contract holder for documenting repair or maintenance work, and any procedure to which the service contract holder must adhere for filing claims;

(2) The work and parts covered by the contract;

(3) Any time or mileage limitations;

(4) That the implied warranty of merchantability on the motor vehicle is not waived if the contract has been purchased within ninety days of the purchase date of the motor vehicle from a provider who also sold the motor vehicle covered by the contract;

(5) Any exclusions of coverage; and

(6) The contract holder's right to return the contract for a refund, which right can be no more restrictive than provided for in section 5 of this act.

NEW SECTION. Sec. 5. (1) At a minimum, every provider shall permit the service contract holder to return the contract within thirty days of its purchase if no claim has been made under the contract, and shall refund to the holder the full purchase price of the contract unless the service contract holder returns the contract ten or more days after its purchase, in which case the provider may charge a cancellation fee not exceeding twenty-five dollars. A ten percent penalty shall be added to any refund that is not paid within thirty days of return of the contract to the provider. If a contract holder returns the contract within thirty days of its purchase or within such longer time period as permitted under the contract, the contract shall be void from the beginning and the parties shall be in the same position as if no contract had been issued.

(2) If a service contract holder returns the contract in accordance with this section, the insurer issuing the reimbursement insurance policy covering the contract shall refund to the provider the full premium paid by the provider for coverage of the contract.

Sec. 6. Section 3, chapter 99, Laws of 1987 and RCW 48.96.030 are each amended to read as follows:

A motor vehicle service contract reimbursement insurance policy shall not be issued, sold, or offered for sale in this state unless the reimbursement insurance policy conspicuously states that the issuer of the policy shall pay on behalf of the provider all sums which the provider is legally obligated to pay (~~(for failure to perform)~~) according to the provider's contractual obligations under the motor vehicle service contracts issued or sold by the provider.

Sec. 7. Section 4, chapter 99, Laws of 1987 and RCW 48.96.040 are each amended to read as follows:

A motor vehicle service contract shall not be issued, sold, or offered for sale in this state unless the contract conspicuously states that the obligations of the provider to the service contract holder are guaranteed under the (~~(service contract)~~) reimbursement insurance policy, and unless the contract conspicuously states the name and address of the issuer of the reimbursement insurance policy, the applicable policy number, and the means by which a service contract holder may file a claim under the policy.

Sec. 8. Section 5, chapter 99, Laws of 1987 and RCW 48.96.050 are each amended to read as follows:

~~(This chapter does)~~ RCW 48.96.020, 48.96.030, and 48.96.040 do not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or (~~(importer)~~) import distributor covering vehicles manufactured or imported by the motor vehicle manufacturer or import distributor.

Sec. 9. Section 6, chapter 99, Laws of 1987 and RCW 48.96.060 are each amended to read as follows:

Failure to comply with the provisions of this chapter is an unfair method of competition and an unfair or deceptive act or practice in the conduct of a trade or commerce, as specifically contemplated by RCW 19.86.020, and is a violation of the Consumer Protection Act, chapter 19.86 RCW. Any service contract holder injured as a result of a violation of a provision of this chapter shall be entitled to maintain an action pursuant to chapter 19.86 RCW against the motor vehicle service contract provider and the insurer issuing the applicable motor vehicle service contract reimbursement insurance policy and shall be entitled to all of the rights and remedies afforded by that chapter. Any successful claimant under this section shall also be entitled to reasonable attorneys' fees.

NEW SECTION. Sec. 10. Sections 2 through 5 of this act are each added to chapter 48.96 RCW.

NEW SECTION. Sec. 11. Sections 2 through 10 of this act shall take effect January 1, 1991."

On page 1, line 1 of the title, after "warranties;" strike the remainder of the title and insert "amending RCW 19.118.021, 48.96.030, 48.96.040, 48.96.050, and 48.96.060; adding new sections to chapter 48.96 RCW; and providing an effective date."

Signed by Senators von Reichbauer, McMullen; Representatives Dellwo, P. King, Smith.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2430 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 2603

Enhancing availability of medical care for children.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Health and Long-Term Care amendments adopted on March 1, 1990, be rejected and the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the purpose of sections 1 through 5 of this act and RCW 74.09.010 to provide, consistent with appropriated funds, health care access and services to children in poverty in this state. To this end, a children's health program is established based on the following principles:

(1) Access to preventive and other health care services should be made more readily available for children in poverty.

(2) Unnecessary barriers to health care for children in poverty should be removed.

(3) The status of children's health and their access to health care providers should be evaluated at appropriate intervals to determine program effectiveness and need for modification.

(4) Health care services should be delivered in a cost-effective manner.

(5) The program should be sensitive to cultural and ethnic differences among children in poverty.

NEW SECTION. Sec. 2. (1) There is hereby established a program to be known as the children's health program.

To the extent of available funds:

(a) Health care services may be provided to persons who are under eighteen years of age with household incomes at or below the federal poverty level and not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(b) The determination of eligibility of recipients for health care services shall be the responsibility of the department. The application process shall be easy to understand and, to the extent possible, applications shall be made available at local schools and other appropriate locations. The department shall make eligibility determinations within the timeframes for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510.

(c) The amount, scope, and duration of health care services provided to eligible children under the children's health program shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

(2) The legislature is interested in assessing the effectiveness of the prenatal care program. However, the legislature recognizes the cost and complexity associated with such assessment.

The legislature accepts the effectiveness of prenatal and maternity care at improving birth outcomes when these services are received by eligible persons. Therefore, the legislature intends to focus scarce assessment resources to determine the extent to which support services such as child care, psychosocial and nutritional assessment and counseling, case management, transportation, and other support services authorized by this act result in receipt of prenatal and maternity care by eligible persons.

The University of Washington shall conduct a study, based on a statistically significant state-wide sampling of data, to evaluate the effectiveness of the maternity care access program set forth in RCW 74.09.760 through 74.09.820 based on the principles set forth in RCW 74.09.770.

The University of Washington shall develop a plan and budget for the study in consultation with the legislative budget committee. The legislative budget committee shall also monitor the progress of the study.

The department of social and health services shall make data and other information available as needed to the University of Washington as required to conduct this study.

The study shall determine:

(a) The characteristics of women receiving services, including health risk factors;

(b) The extent to which access to maternity care and support services have improved in this state as a result of this program;

(c) The utilization of services and birth outcomes for women and infants served by this program by type of practitioner;

(d) The extent to which birth outcomes for women receiving services under this program have improved in comparison to birth outcomes of nonmedicaid mothers;

(e) The impact of increased medicaid reimbursement to physicians on provider participation;

(f) The difference between costs for services provided under this program and medicaid reimbursement for the services;

(g) The gaps in services, if any, that may still exist for women and their infants as defined by RCW 74.09.790 (1) and (4) served by this program, excluding pregnant substance abusers, and women covered by private health insurance; and

(h) The number and mix of services provided to eligible women as defined by subsection (2)(g) of this section and the effect on birth outcomes as compared to nonmedicaid birth outcomes.

Results of the study shall be submitted to the legislative budget committee and appropriate committees of the legislature, by December 1 of each year through December 1, 1994, beginning with December 1, 1991.

NEW SECTION. Sec. 3. (1) The children's health services committee is hereby established, which shall advise the secretary as set forth in this chapter. Its membership shall be composed as follows: The secretary shall appoint, from the department's personnel, representatives from the various service and related administrative support programs that address children's needs. The secretary of health shall appoint, with the approval of the secretary, appropriate department of health personnel to the committee, but shall include the deputy secretary of health or successor position and the administrator of the parent and child health service program as identified in RCW 43.70.080(6).

(2) The requirements of subsection (1) of this section shall be in effect until June 30, 1993, at such time, the statutory responsibility shall be given to the department. The secretary may continue the committee under executive policy.

(3) The secretary and the secretary of health shall examine program areas where there is a lack of clear authority, dual responsibilities, or potential problems regarding jurisdiction between the department and department of health and submit a brief report to the governor and the legislature by December 1, 1992, outlining these problems and proposing remedial action.

(4) The committee, in coordination with counties, shall identify counties experiencing significant problems with access to health care for children eligible for services under chapter 74.09 RCW, based on indicators such as:

(a) Number of primary care providers for children eligible for services under chapter 74.09 RCW;

(b) Percent of children eligible for services under chapter 74.09 RCW;

(c) Postneonatal mortality rate for low-income children;

(d) Early and periodic screening, diagnosis, and treatment (EPSDT) utilization;

(e) Teen birth rate for low-income children; and

(f) Low birth weight rate for low-income children.

(5) The department shall provide data to each county within the state regarding its performance on the indicators in subsection (4) of this section and notify those counties having a significant problem with access, as defined in this section. The county shall also be advised of the availability of technical and financial assistance from the state in support of local remedial action.

(6) Any county, including those not identified by the committee, wishing to pursue state assistance under this section may submit a request to the committee. The request should include a description of the access problems in their community, a plan for addressing those problems, and a description of how the state's technical or financial assistance will aid them in increasing access to pediatric care for children in poverty. The request for assistance shall be prepared in consultation with the department, local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in their area.

(7) Counties are encouraged to combine to fulfill their duties under this section. In doing so, they shall consider the organizational principles set forth in RCW 43.70.020. If after one hundred twenty days' notice by the committee that a significant problem with health care access to children exists within a county, the county has not submitted a preliminary request for assistance according to this section, the committee shall solicit or may receive requests for assistance from any health care provider within that county.

(8) The committee shall evaluate local requests for technical and financial assistance, and shall recommend to the secretary funding of any or all parts of the requests, using criteria such as:

(a) The number of children proposed to receive expanded access to pediatric health care per dollar expended;

(b) Ability to meet the particular needs of the community as defined in the county request, including responsiveness to the needs of ethnic and racial minorities and addressing language barriers to access; and

(c) Capability to meet stated goals of increasing access to pediatric care.

(9) The department, after considering the recommendations of the committee, shall provide financial assistance, such as grants to counties or disproportionate share payments to providers, to the extent of available funds. The department shall make such changes to the state medicaid plan or take such other action as may be needed to secure federal matching funds for grants under this section.

NEW SECTION. Sec. 4. Local communities are encouraged to take actions necessary to make health care more accessible to children in poverty in their communities, such as coordinating the development of alternative health care delivery systems. To support communities in their efforts, the committee, in coordination with counties and to the extent funds are available, shall: (1) Advise the secretary and the secretary of health regarding the dispensing of technical assistance to counties to enable them to develop provider resources and expand coordinated provision of health care to children in poverty, and (2) recommend to the secretary financial incentives to be provided within counties requesting assistance according to section 3 of this act.

NEW SECTION. Sec. 5. The committee, in coordination with the department of health, shall reevaluate the state of access to care for children in poverty on at least a biennial basis and shall provide this information, along with information on the implementation of sections 1 through 4 of this act, to the board of health for consideration of possible inclusion in the biennial state health report.

Sec. 6. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 11, chapter 406, Laws of 1987 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(2) "Committee" means the children's health services committee created in section 3 of this act.

(3) "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee. A combination of two or more county authorities or tribal jurisdictions may enter into joint agreements to fulfill the requirements of sections 2 through 5 of this act.

(4) "Department" means the department of social and health services.

~~((2))~~ "Secretary" means the secretary of social and health services.

~~((3))~~ (5) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

(6) "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

~~((4))~~ (7) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(8) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

~~((5))~~ (9) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.

~~((6))~~ "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(7) (10) "Nursing home" means nursing home as defined in RCW 18.51.010.

(11) "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

(12) "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 7. Section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act are each added to chapter 74.09 RCW.

NEW SECTION. Sec. 9. This act shall take effect July 1, 1990."

On page 1, line 1 of the title, after "health;" strike the remainder of the title and insert "amending RCW 74.09.010; adding new sections to chapter 74.09 RCW; repealing section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified); and providing an effective date."

Signed by Senators Smith, Niemi, Amondson; Representatives Braddock, Vekich, Brooks.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2603 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 2932

Providing for regional water resource planning.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Agriculture amendments adopted on February 27, 1990, be adopted with the following changes:

On page 2, beginning on line 6 of the amendment, strike all of subsection (1)(b) of section 1 and insert the following:

"(b) All citizens of Washington share an interest in the proper stewardship of our invaluable water resources. To ensure that available water supplies are managed to best meet both instream and offstream needs, a comprehensive planning process is essential. The people of the state have the unique opportunity to work together to plan and manage our water. Through a comprehensive planning process that includes the state, Indian tribes, local governments, and interested parties, it is possible to make better use of available water supplies and achieve better management of water resources. Through comprehensive planning, conflicts among water users and interests can be reduced or resolved. It is in the best interests of the state that comprehensive water resource planning be given a high priority so that water resources and associated values can be utilized and enjoyed today and protected for tomorrow."

On page 10, after line 4 of the amendment, insert the following:

"NEW SECTION, Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 10, line 13 of the title amendment, after "RCW:" strike "and creating a new section" and insert "creating a new section; and declaring an emergency"

Signed by Senators Barr, Hansen, Newhouse: Representatives K. Wilson, R. Fisher, Miller.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2932 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 2378

Changing the authority of educational service district boards with regard to the purchase and sale of property used for the operation of the educational service district.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate amendments by the Committee on Ways and Means adopted on March 1, 1990, be adopted, and the bill be further amended as follows:

On page 2 of the amendment, line 25, after "board" strike "may" and insert "shall"

On page 2 of the amendment, line 26, after "acquired" strike everything through "collateral" on line 31

Signed by Senators Bailey, Lee: Representatives Sommers, Peery, Schoon.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 2378 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6626 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 6626

Requiring an assessment of higher education needs of placebound students.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

All previous amendments be rejected and the bill be amended as follows:

On page 1, line 6. after "study the" strike all material through "1993." on line 16 and insert "upper division baccalaureate educational needs of placebound students, and the graduate educational needs of teachers, living in areas of the state not currently served by either existing four-year institutions or branch campuses. The study shall include recommendations on how the needs should be addressed, and which institutions should be responsible for serving specific areas.

NEW SECTION. Sec. 2. The legislature finds that many individuals in the state of Washington have attended college and received an associate of arts degree, or its equivalent, but are placebound.

The legislature intends to establish an educational opportunity grant program for placebound students who have completed an associate of arts degree, or its equivalent, in an effort to increase their participation in and completion of upper-division programs.

NEW SECTION. Sec. 3. The educational opportunity grant program is hereby created as a demonstration project to serve placebound financially needy students by assisting them to obtain a baccalaureate degree at public and private institutions of higher education which have the capacity to accommodate such students within existing educational programs and facilities.

NEW SECTION. Sec. 4. (1) For the purposes of this chapter, "placebound" means unable to relocate to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) To be eligible for an educational opportunity grant, applicants must be placebound residents of the state of Washington who are needy students as defined in RCW 28B.10.802(3) and who have completed the associate of arts degree or its equivalent. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to attend an institution that has existing unused capacity rather than attend a branch campus established pursuant to chapter 28B.45 RCW. An eligible placebound applicant is further defined as a person whose residence is located in an area served by a branch campus who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be unable to complete an upper-division course of study but for receipt of an educational opportunity grant.

NEW SECTION. Sec. 5. The higher education coordinating board shall develop and administer the educational opportunity grant program. The board shall adopt necessary rules and guidelines and develop criteria and procedures to select eligible participants in the program. Payment shall be made directly to the eligible participant periodically upon verification of enrollment and satisfactory progress towards degree completion.

NEW SECTION. Sec. 6. Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education with a commissioned police force shall report to the Washington association of sheriffs and police chiefs or its successor agency, on a monthly basis, crime statistics for the Washington state uniform crime report, in the format required by the Washington association of sheriffs and police chiefs, or its successor agency. Institutions of higher education which do not have commissioned police forces shall report crime statistics through appropriate local law enforcement agencies.

(2) Each institution of higher education shall publish and distribute a report which shall be updated annually and which shall include the crime statistics as reported under subsection (1) of this section for the most recent three-year period. Upon request, the institution shall provide the report to every person who submits an application for admission to either a main or branch campus, and to each new employee at the time of employment. In its acknowledgement of receipt of the formal application for admission, the institution shall notify the applicant of the availability of such information. The information also shall be provided on an annual basis to all students and employees. Institutions with more than one campus shall provide the required information on a campus-by-campus basis.

(3) Each institution of higher education shall provide to every new student and new employee, and upon request to other interested persons, information which follows the general categories for safety policies and procedures outlined in this section. Such categories shall, at a minimum, include campus enrollments, campus nonstudent workforce profile, the number and duties of campus security personnel, arrangements with state and local police, and policies on controlled substances. Information for the most recent academic year also shall include a description of any programs offered by an institution's student affairs or services department, and by student government organizations regarding crime prevention and counseling, including a directory of available services and appropriate telephone numbers and physical locations of these services. In addition, institutions maintaining student housing facilities shall include information detailing security policies and programs.

Institutions with a main campus and one or more branch campuses shall provide the information on a campus-by-campus basis.

In the case of community colleges, colleges shall provide such information to the main campuses only and shall provide reasonable alternative information at any off-campus centers and other affiliated college sites enrolling less than one hundred students.

(4) Each institution shall establish a task force which shall annually examine campus security and safety issues. The task force shall review the report published and distributed pursuant to this section in order to ensure the accuracy and effectiveness of the report, and make any suggestions for improvement. This task force shall include representation from the institution's administration, faculty, staff, recognized student organization, and police or security organization.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B.80.530; and

(2) Section 13, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B.80.540."

On page 1, line 2 of the title, after "28B.80 RCW;" strike "and making an appropriation" and insert "adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28B RCW; and repealing RCW 28B.80.530 and 28B.80.540"

Signed by Senators Saling, Bauer, von Reichbauer; Representatives Jacobsen, Heavey, Van Luven.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 6626 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the President returned the Senate to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the section or item of the bill as required by Article III, section 12, of the Washington State Constitution:

Section 1202, Second Substitute Senate Bill No. 6259, the remainder of which has been designated Chapter 3, Laws of 1990.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this first day of March, 1990.

(Seal)

DONALD F. WHITING,
Assistant Secretary of State

EDITOR'S NOTE: See Partial Veto Message on Second Substitute Senate Bill No. 6259 read in on the fifty-third day, March 1, 1990.

Second Substitute Senate Bill No. 6259 was referred to the Committee on Law and Justice.

MOTIONS

On motion of Senator Anderson, Senators Craswell and Matson were excused.
On motion of Senator Bender, Senator Niemi was excused.

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8440 by Senators Bluechel, Hayner and Vognild

Establishing a Leadership conference.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8440 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8440 was advanced the third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8440.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8440 and the concurrent resolution passed the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yeas: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senator Barr - 1.

Excused: Senators Amondson, Craswell, Gaspard, Matson, McCaslin, Niemi, Vognild - 7.

SENATE CONCURRENT RESOLUTION NO. 8440, having received the constitutional majority, was declared passed.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6164,

SUBSTITUTE SENATE BILL NO. 6764,

SUBSTITUTE SENATE BILL NO. 6771,

SECOND SUBSTITUTE SENATE BILL NO. 6780,

SUBSTITUTE SENATE BILL NO. 6868,

SUBSTITUTE SENATE BILL NO. 6880,

SENATE JOINT MEMORIAL NO. 8017,

SENATE JOINT MEMORIAL NO. 8023.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 1990

Mr. President:

The Speaker ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2726 beyond the scope and object of the bill. The House refuses to concur in said amendments and asks the Senate to recede therefrom and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate receded from its amendments to Substitute House Bill No. 2726.

MOTION

On motion of Senator Bender, Senator Kreidler was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2726, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2726, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 38; absent, 3; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Lee, Madsen, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Absent: Senators Anderson, McDonald, Stratton - 3.

Excused: Senators Amondson, Craswell, Gaspard, Kreidler, Matson, McCaslin, Niemi, Vogt - 8.

SUBSTITUTE HOUSE BILL NO. 2726, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

RE: EHB 2602

Changing provisions relating to support services for adoptions.

March 7, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Ways and Means amendments adopted on March 1, 1990, be rejected and the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that each year less than five percent of pregnant teens relinquish their babies for adoption in Washington state. Nationally, fewer than eight percent of pregnant teens relinquish their babies for adoption.

(2) The legislature further finds that barriers such as lack of information about adoption, inability to voluntarily enter into adoption agreements, and current state public assistance policies act as disincentives to adoption.

(3) It is the purpose of this act to support adoption as an option for women with unintended pregnancies by removing barriers that act as disincentives to adoption.

Sec. 2. Section 816, chapter 9, Laws of 1989 1st ex. sess. and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6) (a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who remain otherwise eligible and who are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until six weeks following the birth of the recipient's child.

(7) "Applicant"-----Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"-----Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above

exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 3. Section 2, chapter 155, Laws of 1984 and RCW 26.33.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alleged father" means a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

(2) "Child" means a person under eighteen years of age.

(3) "Adoptee" means a person who is to be adopted or who has been adopted.

(4) "Adoptive parent" means the person or persons who seek to adopt or have adopted an adoptee.

(5) "Court" means the superior court.

(6) "Department" means the department of social and health services.

(7) "Agency" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

(8) "Parent" means the natural or adoptive mother or father of a child, including a presumed father under chapter 26.26 RCW. It does not include any person whose parent-child relationship has been terminated by a court of competent jurisdiction.

(9) "Legal guardian" means the department, an agency, or a person, other than a parent or stepparent, appointed by the court to promote the child's general welfare, with the authority and duty to make decisions affecting the child's development.

(10) "Guardian ad litem" means a person, not related to a party to the action, appointed by the court to represent the best interests of a party who is under a legal disability.

(11) "Relinquish or relinquishment" means the voluntary surrender of custody of a child to the department, an agency, or prospective adoptive parents.

(12) "Birth parent" means the biological mother or father of a child, including a presumed father under chapter 26.26 RCW, if the parent-child relationship has been terminated by a court of competent jurisdiction. "Birth parent" does not include a biological mother or biological or alleged father, including a presumed father under chapter 26.26 RCW, if the parent-child relationship was terminated because of a conviction of rape of a child in the first, second, or third degree or child molestation in the first, second, or third degree as defined in chapter 9A.44 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 26.33 RCW to read as follows:

(1) Nothing in this chapter shall be construed to prohibit the parties to a proceeding under this chapter from entering into agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents.

(2) Agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents shall not be legally enforceable unless the terms of the agreement are set forth in a written court order entered in accordance with the provisions of this section. The court shall not enter a proposed order unless the terms of such order have

been approved in writing by the prospective adoptive parents, any birth parent whose parental rights have not previously been terminated, and, if the child is in the custody of the department or a licensed child-placing agency, a representative of the department or child-placing agency. If the child is represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child-custody proceeding, the terms of the proposed order also must be approved in writing by the child's representative. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact between the child adoptee, the adoptive parents, and a birth parent or parents as agreed upon and as set forth in the proposed order, would be in the child adoptee's best interests.

(3) Failure to comply with the terms of an agreed order regarding communication or contact that has been entered by the court pursuant to this section shall not be grounds for setting aside an adoption decree or revocation of a written consent to an adoption after that consent has been approved by the court as provided in this chapter.

(4) An agreed order entered pursuant to this section may be enforced by a civil action and the prevailing party in that action may be awarded, as part of the costs of the action, a reasonable amount to be fixed by the court as attorneys' fees. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the child adoptee, and that: (a) The modification is agreed to by the adoptive parent and the birth parent or parents; or (b) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order.

NEW SECTION, Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department of social and health services shall establish, within funds appropriated for the purpose, a reconsideration program to provide medical and counseling services through the adoption support program for children of families who apply for services after the adoption is final. Families requesting services through the program shall provide any information requested by the department for the purpose of processing the family's application for services.

(2) A child meeting the eligibility criteria for registration with the program is one who:

(a) Was residing in foster care funded by the department immediately prior to the adoptive placement;

(b) Had a physical or mental handicap or emotional disturbance that existed and was documented prior to the adoption; and

(c) Resides in the state of Washington with an adoptive parent who lacks the necessary financial means to care for the child's special need.

(3) If a family is accepted for registration and meets the criteria in subsection (2) of this section, the department may enter into an agreement for services. Prior to entering into an agreement for services through the program, the medical needs of the child must be reviewed and approved by the department's office of personal health services.

(4) Any services provided pursuant to an agreement between a family and the department shall be met from the department's medical program. Such services shall be limited to:

(a) Services provided after finalization of an agreement between a family and the department pursuant to this section;

(b) Services not covered by the family's insurance or other available assistance; and

(c) Services related to the eligible child's identified physical or mental handicap or emotional disturbance that existed prior to the adoption.

(5) Any payment by the department for services provided pursuant to an agreement shall be made directly to the physician or provider of services according to the department's established procedures.

(6) The total costs payable by the department for services provided pursuant to an agreement shall not exceed twenty thousand dollars per child.

NEW SECTION, Sec. 6. The department of social and health services shall report to the 1991 legislature regarding the applications for the program established under section 5 of this act. The report shall contain information regarding the requests for financial assistance, both those that qualify and those that do not, and shall include the estimated cost for providing the services requested.

Sec. 7. Section 4, chapter 63, Laws of 1971 ex. sess., as last amended by section 135, chapter 7, Laws of 1985 and RCW 74.13.109 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who ~~((while having))~~ has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child ~~((lacks the financial means fully to care for such hard to place child))~~.

Sec. 8. Section 11, chapter 63, Laws of 1971 ex. sess. as last amended by section 142, chapter 7, Laws of 1985 and RCW 74.13.130 are each amended to read as follows:

~~((if the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under RCW 26.33.320 and 74.13.100 through 74.13.145, the secretary may authorize the payment from the appropriations available from the general fund of all or part a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee.~~

~~in evaluating any such prospective parent's ability to pay the secretary may use the same criteria for evaluating ability to pay which are to be used by him in waiving, reducing, or deferring fees pursuant to RCW 74.13.103 plus the burdens likely to be assumed by such parent even after adoption support is provided pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145)) The secretary may authorize the payment, from the appropriations available from the general fund, of all or part of the nonrecurring adoption expenses incurred by a prospective parent. "Nonrecurring adoption expenses" means those expenses incurred by a prospective parent in connection with the adoption of a difficult to place child including, but not limited to, attorneys' fees, court costs, and agency fees. Payment shall be made in accordance with rules adopted by the department.~~

~~This section shall have retroactive application to January 1, 1987. For purposes of retroactive application, the secretary may provide reimbursement to any parent who adopted a difficult to place child between January 1, 1987, and one year following the effective date of this act, regardless of whether the parent had previously entered into an adoption support agreement with the department.~~

NEW SECTION, Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION, Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "amending RCW 74.04.005, 26.33.020, 74.13.109, and 74.13.130; adding a new section to chapter 26.33 RCW; adding a new section to chapter 74.13 RCW; and creating new sections."

Signed by Senators Smith, Patrick; Representatives Sayan, Hine, Moyer.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed House Bill No. 2602 was adopted and the committee was granted the powers of Free Conference.

MOTION

At 11:07 a.m., on motion of Senator Newhouse, the Senate recessed until 3:30 p.m.

The Senate was called to order at 3:37 p.m. by President Pritchard.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9196, K. Collins Sprague, as an alternate member of the Commission on Judicial Conduct, was confirmed.

APPOINTMENT OF K. COLLINS SPRAGUE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Cantu - 1.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has receded from its amendments to SUBSTITUTE SENATE BILL NO. 6031 and passed the bill without the House amendments, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5340 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 5340

Regulating disbursements by escrow agents.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The amendments by the House Committee on Financial Institutions and Insurance, adopted on February 26, 1990, not be adopted and the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 7, chapter 153, Laws of 1965 as last amended by section 1, chapter 178, Laws of 1988 and RCW 18.44.070 are each amended to read as follows:

Every certificated escrow agent shall keep adequate records of all transactions handled by or through the agent including itemization of all receipts and disbursements of each transaction, which records shall be open to inspection by the director or the director's authorized representatives.

Every certificated agent shall keep a separate escrow fund account in a recognized Washington state depository authorized to receive funds, in which shall be kept separate and apart and segregated from the agent's own funds, all funds or moneys of clients which are being held by the agent pending the closing of a transaction and such funds shall be deposited not later than the first banking day following receipt thereof.

An escrow agent, unless exempted by RCW 18.44.020(2), shall not make disbursements on any escrow account without first receiving deposits directly relating to the account in amounts

at least equal to the disbursements. An escrow agent shall not make disbursements until the next business day after the business day on which the funds are deposited unless the deposit is made in cash, by interbank electronic transfer, or in a form that permits conversion of the deposit to cash on the same day the deposit is made. The deposits shall be in one of the following forms:

(1) Cash;

(2) Interbank electronic transfers such that the funds are unconditionally received by the escrow agent or the agent's depository;

(3) Checks, negotiable orders of withdrawal, money orders, cashier's checks, and certified checks that are payable in Washington state and drawn on financial institutions located in Washington state; or

(4) Checks, negotiable orders of withdrawal, money orders, and any other item that has been finally paid as described in RCW 62A.4-213 before any disbursement; or

(5) Any depository check, including any cashier's check, certified check, or teller's check, which is governed by the provisions of the Federal Expedited Funds Availability Act, 12 U.S.C. ((400/(Sec. 4001))) Sec. 4001 et seq.

The word "item" means any instrument for the payment of money even though it is not negotiable, but does not include money.

Violation of this section shall subject an escrow agent to penalties as prescribed in Title 9A RCW and remedies as provided in chapter 19.86 RCW and shall constitute grounds for suspension or revocation of the registration or license of any certified escrow agent.

NEW SECTION, Sec. 2. A new section is added to chapter 62A.3 RCW to read as follows:

No person may record the number of a credit card given as identification under RCW 62A.3-505(1)(b) or given as proof of credit worthiness when payment for goods or services is made by check or draft. Nothing in this section prohibits the recording of the number of a credit card given in lieu of a deposit to secure payment in the event of a default, loss, damage, or other occurrence.

On line 1 of the title, after "checks;" strike the remainder of the title and insert "amending RCW 18.44.070; and adding a new section to chapter 62A.3 RCW."

Signed by Senators von Reichbauer, Warnke, Johnson; Representatives Dellwo, Zellinsky, Schmidt.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 5340 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 6408 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SB 6408

Adopting the supplemental transportation budget.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

All previous amendments not be adopted, and the following striking amendment be adopted:

*AN ACT Relating to transportation appropriations: amending section 5, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 4, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 6, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 7, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 9, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 10, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 11, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 12, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 13, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 16, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 17, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 19,

chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 20, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 24, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 25, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 26, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 28, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 29, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 30, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 31, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 32, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 36, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 56, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 64, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 65, chapter 6, Laws of 1989 1st ex. sess. (uncodified); and amending section 504, chapter ... (ESSB 6358), Laws of 1990; adding new sections to chapter 6, Laws of 1989 1st ex. sess. (uncodified); adding a new chapter to Title 47 RCW; providing an expiration date; and declaring an emergency.

Sec. 1. Section 4, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

| | | |
|---|----|---------------------------|
| Motor Vehicle Fund—County Arterial Preservation Account | \$ | 12,400,000 |
| Motor Vehicle Fund—Rural Arterial Trust Account Appropriation | \$ | ((24,155,072)) |
| | | 31,071,072 |
| Motor Vehicle Fund Appropriation | \$ | ((999,551)) |
| | | 1,154,051 |
| Total Appropriation | \$ | ((25,154,623)) |
| | | 44,625,123 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,050 of the motor vehicle fund—state appropriation is provided solely for one time costs associated with the county road administration board director's retirement.

(2) \$126,450 of the motor vehicle fund and \$16,000 of the rural arterial trust account is provided for costs associated with office relocation of the county road administration board.

Sec. 2. Section 5, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

| | | |
|--|----|------------|
| Motor Vehicle Fund—Transportation Improvement Account | | 41,300,000 |
| Motor Vehicle Fund—Urban Arterial Trust Account Appropria- tion | \$ | 50,976,600 |
| Total Appropriation | \$ | 92,276,600 |

The urban arterial trust account appropriation includes \$28,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427.

Sec. 3. Section 6, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

| | | |
|--|----|----------------------------|
| General Fund Appropriation | \$ | ((300,000)) |
| | | 300,600 |
| General Fund—Public Safety Education Account Appropriation— State | \$ | 1,000,000 |
| Motor Vehicle Fund—State Patrol Highway Account Appropria- tion—State | \$ | ((110,590,369)) |
| | | 110,054,369 |
| Motor Vehicle Fund—State Patrol Highway Account Appropria- tion—Federal | \$ | 2,965,228 |
| Motor Vehicle Fund Appropriation | \$ | 392,989 |
| Total Appropriation | \$ | ((114,340,506)) |
| | | 114,713,186 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$1,969,889 for twenty-eight additional traffic troopers. The twenty-eight officers shall begin training on February 1, 1990.

(2) \$297,973 is appropriated from the state patrol highway account—state solely for the replacement of trooper weapons. The weapons being replaced will be disposed of at fair market value in accordance with department of general administration's surplus property procedures and in compliance with office of financial management regulations. Officers may purchase their service revolvers at the fair market value.

~~((4))~~ (3) \$300,000 from the state patrol highway account—state appropriation and \$300,000 from the general fund appropriation is appropriated solely for the investigation of vehicle license fraud. The Washington state patrol, department of revenue, and the office of financial management shall report semiannually beginning December 15, 1989, to the legislative transportation committee on the number of fraud cases investigated and their outcome.

~~((5))~~ (4) ~~\$821,000~~ of the motor vehicle fund—state patrol highway account—state appropriation ~~(in this section includes \$1,571,000)~~ and \$1,000,000 of the public safety education account—state appropriation in this section is provided for the safety education program.

~~((6))~~ (5) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$591,630 for five tow truck inspectors.

~~((7))~~ (6) The motor vehicle fund—state patrol highway account—state appropriation includes \$591,120 for the Vehicle Identification Number Program and \$1,303,700 for 15 additional commercial vehicle officers.

NEW SECTION. Sec. 4. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

\$250,000 is appropriated from the state patrol highway account—state to the field operations bureau of the Washington state patrol solely for aircraft replacement. Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

Sec. 5. Section 7, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

| | | |
|---|-----------|---------------------------|
| General Fund—State | \$ | 41,500 |
| Motor Vehicle Fund—State Patrol Highway Account Appropriation | \$ | ((48,210,204)) |
| | | 48,470,304 |
| Total Appropriation | \$ | 48,511,804 |

The appropriations in this section ~~((ts))~~ are subject to the following conditions and limitations:

(1) \$2,205,285 is provided solely for development of the third and final phase of the patrol information collection system. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63, chapter 6, Laws of 1989 1st ex. sess.

(2) \$2,463,000 is provided solely for the purchase of mobile radios for troopers' vehicles.

(3) \$40,900 of the general fund—state appropriation is provided for the cost accounting project. If this appropriation is contained in the 1990 general fund omnibus appropriations act, the appropriation in this section shall lapse.

(4) The office of financial management and the Washington state patrol shall develop a specific proposal for establishing an equipment revolving account beginning with the 1991-93 biennium. The account shall, at a minimum, be used for the maintenance and replacement of all vehicles including pursuit cars, staff cars, vans, and trucks. The proposal shall assess the feasibility of including mainframe computer equipment and aircraft in the revolving account. The agencies shall report to the legislative transportation committee by August 1, 1990, on their recommendations on the establishment of the revolving account.

NEW SECTION. Sec. 6. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

The moneys appropriated to the Washington state patrol in this act shall not be used for relocation of headquarters personnel currently housed within the general administration building.

Sec. 7. Section 9, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

| | | |
|---|-----------|---------------------------|
| Motor Vehicle Fund Appropriation | \$ | ((32,607,399)) |
| | | 34,331,339 |
| General Fund—Wildlife Account Appropriation | \$ | 421,186 |
| Total Appropriation | \$ | ((33,028,525)) |
| | | 34,752,525 |

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((1,538,900))~~ 2,266,900 of the motor vehicle fund appropriation is provided solely for the completion of the county auditor automation project. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63, chapter 6, Laws of 1989 1st ex. sess. It is the intent of the legislature that if by December 31, 1990, the Hewlett-Packard Company has not demonstrated the performance levels specified in the February 15, 1990, agreement between the department of licensing and the Hewlett-Packard Company (or in any amendments thereto mutually agreed to by the contracting parties), Hewlett-Packard shall at its sole cost and expense either:

(a) Provide to the department and install an additional system, capable of supporting two thousand two hundred transactions per hour and meeting the required response times, together with all necessary software to operate the system and integrate the system into CAAP; or

(b) Upgrade two or more of the four then-existing systems as necessary to achieve those performance standards.

(2) The department shall create an advisory committee to examine the current processes and costs for issuing vehicle titles, registrations, and other vehicle documentation. Membership

on the committee shall include the director as chairperson and appropriate departmental personnel and representatives of county auditors, subagents, county executives, and county council members/commissioners. By ~~((June 30, 1990))~~ January 10, 1991, the advisory committee shall report to the legislative transportation committee as follows: (a) An analysis of the costs and benefits accruing annually to county auditors and subagents as a result of vehicle licensing activities; (b) analysis and recommendations of an appropriate allocation of on-going operating and maintenance county auditor automation project costs among the department, county auditors, and subagents; (c) the committee, in consultation with the information systems division of the department, the office of financial management, and the department of information services shall address the issue of future system requirements and how the costs associated with such requirements should be shared between the department, county auditors, and subagents; and (d) an analysis of the costs and benefits associated with the alternative of having all vehicle licensing activities conducted solely within the department, and an analysis of other alternatives recommended by the advisory committee.

~~((4))~~ (3) \$374,656 of the motor vehicle fund appropriation is provided solely for the front license tab program.

~~((5))~~ (4) \$46,609 of the motor vehicle fund appropriation is provided solely for the implementation of Engrossed House Bill No. 1645, regulating the relationship between motor vehicle dealers and manufacturers.

(5) \$329,000 of the motor vehicle appropriation as provided solely for implementing the odometer disclosure act. If Substitute Senate Bill No. 6560 is not implemented by June 30, 1990, this appropriation is null and void.

(6) \$550,000 of the motor vehicle fund—state appropriation provided for in this section is for implementation of the comprehensive 1990 transportation revenue bill. Transfer of any portion of this appropriation to the information services division is permitted.

Sec. 8. Section 10, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

| | | |
|---|----|---------------------------|
| General Fund—Public Safety and Education Account Appropriation | \$ | 3,412,942 |
| Highway Safety Fund Appropriation | \$ | ((35,321,479)) |
| | | 35,674,479 |
| Highway Safety Fund—Motorcycle Safety Education Account Appropriation | \$ | 1,037,499 |
| Total Appropriation | \$ | ((39,771,920)) |
| | | 40,124,920 |

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((557,878))~~ 700,870 of the highway safety fund appropriation is provided for establishing ~~(two)~~ three new driver license examining offices.

(2) \$207,000 of the highway safety fund—motorcycle safety education account appropriation is provided solely for implementing the motorcycle public awareness program provided for in Engrossed Senate Bill No. 6076.

Sec. 9. Section 11, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS

| | | |
|---|----|---------------------------|
| General Fund—Wildlife Account Appropriation | \$ | 7,238 |
| Highway Safety Fund—Motorcycle Safety Education Account Appropriation | \$ | 2,747 |
| Highway Safety Fund Appropriation | \$ | ((7,027,608)) |
| | | 7,160,684 |
| Motor Vehicle Fund Appropriation | \$ | ((3,378,999)) |
| | | 3,570,519 |
| General Fund—Public Safety and Education Account Appropriation | \$ | ((611,678)) |
| | | 623,975 |
| General Fund—State | \$ | 55,000 |
| Total Appropriation | \$ | ((11,025,523)) |
| | | 11,420,163 |

\$55,000 of the general fund—state appropriation is provided solely for the cost allocation project. If this appropriation is contained in the 1990 general fund omnibus appropriation act, the appropriation in this section shall lapse.

Sec. 10. Section 12, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

| | | |
|---|----|----------------------|
| General Fund—Wildlife Account Appropriation | \$ | ((4,041)) |
| | | 229,015 |
| General Fund—State | \$ | 14,000 |

| | |
|--|---|
| <u>Highway Safety Fund—Motorcycle Safety Education Account</u> | |
| Appropriation | \$ 700 |
| Highway Safety Fund Appropriation | \$ ((4,015,059)) 3,639,012 |
| Motor Vehicle Fund Appropriation | \$ ((15,191,175)) <u>14,374,819</u> |
| General Fund—Public Safety and Education Account Appropria- | |
| tion | \$ ((390,162)) 390,001 |
| Total Appropriation | \$ ((20,400,437)) <u>18,647,547</u> |

\$14,000 of the general fund appropriation is provided solely for the revenue accounting feasibility study. If this appropriation is contained in the 1990 omnibus general fund appropriations act, the appropriation in this section shall lapse.

NEW SECTION, Sec. 11. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

\$728,000, of which \$364,000 is from the motor vehicle fund and \$364,000 is from the highway safety fund, is appropriated to the information services division of the department of licensing and is provided solely for the development of a project feasibility study exclusively for the integration of driver and motor vehicle systems. The feasibility study provided for in this section shall study only alternative computer applications and hardware that are currently in use in other states. The plan shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services, by February 1, 1991. Authority to expend these moneys is conditioned upon compliance with the requirements set forth in section 63 of chapter 6, Laws of 1989 1st ex. sess.

Sec. 12. Section 13, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

| | |
|---|---|
| High Capacity Transportation Account | \$ 750,000 |
| Motor Vehicle Fund Appropriation | \$ ((2,525,000)) <u>2,602,000</u> |
| Motor Vehicle Fund—State Patrol Highway Account Appropriation | \$ 100,000 |
| Total Appropriation | \$ ((2,625,000)) <u>3,452,000</u> |

The appropriations contained in this section are subject to the following conditions and limitations:

(1) ~~\$((50,000))~~ 127,000 of the motor vehicle fund appropriation, or as much thereof as is needed, is provided for a study of gasoline pricing and supply practices to be conducted in conjunction with the Washington state energy office. The state energy office shall create and maintain a data base on petroleum pricing.

(2) \$75,000 of the motor vehicle fund appropriation is provided solely for the study mandated in section 14 of chapter 6, Laws of 1989 1st ex. sess.

(3) The motor vehicle fund—state patrol highway account appropriation provided for in this section is for a survey of ~~((local))~~ law enforcement compensation and to develop a trooper deployment model.

(4) \$750,000 of the high capacity transportation account appropriation provided for in this section is for an independent comprehensive study of public transportation to address organization, efficiency, effectiveness, and funding. The study shall address, but not be limited to:

(a) The roles and benefits of transit and paratransit in various areas of the state;

(b) The effectiveness and efficiency of public transportation efforts including utilization, cost of service, growth management strategies, environmental factors, and financial support;

(c) A specific component addressing the unmet transportation needs of persons with disabilities, and elderly, minority, or other transportation-disadvantaged persons; and

(d) The state's role in public transportation including provision and coordination of transportation services for current and potential participants in state and/or federally supported programs, financing and oversight.

The study shall be completed by September 30, 1991, and the results, including any recommendations for changes to existing statutes, reported to the legislative transportation committee, the governor, and the state transportation commission.

(5) From the appropriation provided for in section 26 of this act, a study is to be performed in conjunction with the office of financial management, the transportation commission, the department of transportation, public transportation agencies, and cities and counties on the programming and prioritization of transportation projects and services.

The study shall include, but not be limited to, analyses and recommendations regarding:

(a) Established state and local program priorities, prioritization processes, and their ability to address current transportation problems;

(b) State and local design and service standards;

(c) Investment in traffic management alternatives and other nonconstruction approaches:
and

(d) Effective intermodal and interjurisdictional planning and coordination of programs.

The study shall be completed by September 1991.

(6) From the appropriation provided for in section 26 of this act, a cost responsibility study is to be performed in conjunction with the office of financial management, the transportation commission, the department of transportation, public transportation agencies, and cities and counties. The cost responsibility study shall include but not be limited to analysis and recommendations regarding:

(a) Damage to, use of, and benefit from the state's transportation systems;

(b) Whether the users and beneficiaries of the state's transportation systems are paying an appropriate share of the costs; and

(c) Alternative methods of cost recovery and taxation including user and beneficiary based methods.

The study shall be completed by July 1, 1992.

NEW SECTION. Sec. 13. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE AIR TRANSPORTATION COMMISSION

| | | |
|---------------------------|----|---------|
| General Fund—State | \$ | 275,000 |
| Transportation Fund | \$ | 275,000 |
| Total Appropriation | \$ | 550,000 |

The appropriations in this section shall lapse if sections 40 through 44 of this act are not also enacted.

Sec. 14. Section 16, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

| | | |
|--|----|-----------|
| General Fund—Aeronautics Account Appropriation | \$ | 1,184 |
| General Fund Appropriation | \$ | 2,269 |
| Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation | \$ | 31,349 |
| Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation | \$ | 53,160 |
| Motor Vehicle Fund Appropriation | \$ | (425,024) |
| | | 625,024 |
| Total Appropriation | \$ | (512,986) |
| | | 712,986 |

\$200,000 of the motor vehicle fund appropriation is provided for an innovations unit. The staff of the unit shall include an expert in emerging transportation technologies. The transportation commission shall submit a report by January 1, 1991, to the legislative transportation committee showing a detailed organization and work plan for the unit, and projected expenditures for the 1991-93 biennium.

Sec. 15. Section 17, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM

| | | |
|--|----|---------------|
| A | | |
| Motor Vehicle Fund Appropriation—State | \$ | (124,000,000) |
| | | 125,100,000 |
| Motor Vehicle Fund Appropriation—Federal | \$ | 80,000,000 |
| Motor Vehicle Fund Appropriation—Local | \$ | 2,000,000 |
| Total Appropriation | \$ | (206,000,000) |
| | | 207,100,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030.

(2) \$80,000 of this appropriation is provided solely for studies to identify means of mitigating the environmental effects of SR 520 on neighboring communities.

(3) Any study of east-west corridors across or in the vicinity of Lake Washington shall be conducted in a manner consistent with the regional high occupancy vehicle strategic plan.

(4) \$300,000 of this appropriation is provided solely for safety improvements to the first avenue south bridge.

(5) \$250,000 of the motor vehicle fund—state appropriation is provided solely for advanced planning, in conjunction with state and local growth management efforts.

(6) The motor vehicle fund—state appropriation contains \$1,100,000 for preliminary engineering and geotechnical investigations for an alternate route to state route 4 between Longview and Cathlamet.

Sec. 16. Section 19, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

| | | |
|--|----|-------------------------|
| Motor Vehicle Fund Appropriation—State | \$ | (34,750,000) |
| | | <u>89,750,000</u> |
| Motor Vehicle Fund Appropriation—Local | \$ | 1,000,000 |
| Total Appropriation | \$ | (35,750,000) |
| | | <u>90,750,000</u> |

(1) ~~(\$35,000,000 of the appropriations in this section are provided solely for the completion of category C projects currently under construction.~~

~~(2)) The motor vehicle fund—state appropriation includes up to \$~~(1,000,000)~~ 6,000,000 of bond proceeds carried forward from the 1987-89 biennium and \$33,000,000 of bond proceeds authorized in RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~

~~((3) The department of transportation shall, by December 31, 1989, provide the legislative transportation committee with a report identifying the impact of the reduced category C funding contained in this act on all other departmental 1989-91 appropriations by program. The report shall contain, but not be limited to, personnel reductions actually implemented as of the date of this report and also projected reductions for the 1989-91 and 1991-93 biennia.~~

~~(4)) (2) Up to \$750,000 of this appropriation is provided to the department of transportation solely to fund the state's fifty percent share of the cost of a study, led by the city of Seattle, including a conceptual layout plan through the design report processes on Seattle's first avenue south bridge. The department of transportation shall report the findings of the current study underway by the city of Seattle, King county, and the port of Seattle, and the findings of the draft environmental impact study, to the legislative transportation committee before proceeding with design work for the first avenue south bridge other than that necessary for the environmental impact statement.~~

~~(3) \$5,000,000 of the motor vehicle fund—state appropriation is provided solely for preliminary engineering and right of way acquisition for state highway projects designated as special category C under RCW 47.05.030 and chapter 46.68 RCW. The projects shall include the first avenue south bridge in Seattle, SR 18 from Auburn to I-90, and the north/south corridor in Spokane. It is the intent of the legislature that funding provided under the special category C program for the 1st avenue south bridge shall not be jeopardized by expenditures for any other special category C project.~~

~~((5)) (4) Nothing in this section precludes the department from completing engineering on projects when such engineering costs are being provided by local government or private sources.~~

Sec. 17. Section 20, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND FACILITIES—PROGRAM D

| | | |
|--|----|-------------------------|
| Motor Vehicle Fund Appropriation | \$ | 58,608,867 |
| Motor Vehicle Fund—Transportation Capital Facilities Account | | |
| Appropriation | \$ | (1,000,000) |
| | | <u>17,000,000</u> |
| Total Appropriation | \$ | (59,608,867) |
| | | <u>75,608,867</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the motor vehicle fund appropriation is provided solely for a capital facilities management system.

~~(2) ((If House Bill No. 1467 is not enacted by June 30, 1989, the motor vehicle fund—transportation capital facilities account appropriation shall lapse, and the motor vehicle fund appropriation shall increase by \$1,000,000) \$15,000,000 of the motor vehicle fund—transportation capital facilities account appropriation is provided solely for the acquisition of headquarters facilities for district 1 of the department and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use.~~

~~(3) \$1,000,000 of the motor vehicle fund—transportation capital facilities account appropriation is provided solely for the operation of the new district 1 headquarters facilities.~~

NEW SECTION. Sec. 18. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSFER

| | | |
|---|----|------------|
| Motor Vehicle Fund: For transfer to the Transportation Capital Facilities Account | \$ | 15,000,000 |
|---|----|------------|

The appropriation transfer in this section is provided as a loan to the transportation capital facilities account for the initial financing of the acquisition of headquarters facilities for district 1 of the department. This loan shall be repaid from proceeds from the sale of bonds authorized under chapter ____, Laws of 1990 (Senate Bill No. 6897), without the necessity of further legislative appropriation: PROVIDED, That the amount of the transfer shall not exceed actual expenditures

for the acquisition of the headquarters facilities and improvements and equipment required to make the facilities suitable for the department's use.

Sec. 19. Section 24, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—NONINTERSTATE BRIDGES—PROGRAM H

| | | |
|--|----|---------------------------|
| Motor Vehicle Fund Appropriation—State | \$ | ((26,000,000)) |
| | | 26,637,000 |
| Motor Vehicle Fund Appropriation—Federal | \$ | 33,000,000 |
| Motor Vehicle Fund Appropriation—Local | \$ | 1,000,000 |
| Total Appropriation | \$ | ((60,000,000)) |
| | | 60,637,000 |

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. The appropriations in this section are subject to the following conditions and limitations:

(1) \$220,000 of the appropriation provided for in this section shall be used exclusively for the first avenue south bridge.

(2) \$125,000 of the motor vehicle fund—state appropriation is provided solely for a Longview bridge feasibility study which shall include soils investigation, alignment considerations, bridge alternate designs, and cost estimates.

(3) \$125,000 of the motor vehicle fund—state appropriation is provided solely for a feasibility study of the state route No. 99 bridge over the Skagit river between Mt. Vernon and Burlington, which shall include soils investigation, alignment considerations, bridge alternate designs, and cost estimates.

(4) \$387,000 of the motor vehicle fund—state appropriation is provided solely to fund the removal of the toll booths on the Spokane river toll bridge and for preliminary engineering work on the deck resurfacing of the Spokane river toll bridge.

Sec. 20. Section 25, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

| | | |
|--|----|----------------------------|
| Motor Vehicle Fund Appropriation—State | \$ | ((191,946,680)) |
| | | 191,872,680 |
| Motor Vehicle Fund Appropriation—Local | \$ | 69,161 |
| Total Appropriation | \$ | ((192,015,841)) |
| | | 191,941,841 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle fund—state appropriation is provided solely for snow and ice removal activities in excess of \$33,800,000. The excess moneys are to be matched with reprioritized maintenance funds of twenty-five percent of the total needed over \$33,800,000 until the \$1,500,000 is matched. The legislative transportation committee must be notified if the resulting total of \$35,800,000 is exceeded.

(2) If actual and projected expenditures for public damage repair exceed amounts presumed in the maintenance work plan as submitted in the budget request to the house of representatives and senate transportation committees, supplemental relief will be sought.

(3) ((If Engrossed House Bill No. 1502, adjusting vehicle permit fees, is enacted by June 30, 1989, the motor vehicle fund—state appropriation is reduced by \$164,000)) \$90,000 of the motor vehicle fund—state appropriation is provided solely for maintenance on the Spokane river bridge.

Sec. 21. Section 26, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—SALES AND SERVICES TO OTHERS—PROGRAM R

| | | |
|--|----|---------------------------|
| Motor Vehicle Fund Appropriation—State | \$ | ((2,273,000)) |
| | | 2,023,000 |
| Motor Vehicle Fund Appropriation—Federal | \$ | 68,000,000 |
| Motor Vehicle Fund Appropriation—Local | \$ | 6,869,000 |
| Total Appropriation | \$ | ((77,142,000)) |
| | | 76,892,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations contain ~~\$((350,000))~~ 1,000,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Island-Westport Ferry—Payments for operation and maintenance to Wahkiakum county).

(2) ((The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient.

(3)) The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

Sec. 22. Section 28, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

((For public transportation and rail programs:))

| | | |
|---|----|----------------|
| General Fund Appropriation—State | \$ | ((629,800)) |
| | | 779,800 |
| General Fund Appropriation—Federal/Local | \$ | 5,466,819 |
| <u>High Capacity Transportation Account—General Fund—State</u> | | |
| <u>Appropriation</u> | \$ | 4,603,000 |
| ((For planning and research:)) | | |
| Motor Vehicle Fund Appropriation—State | \$ | ((8,637,774)) |
| | | 10,357,774 |
| Motor Vehicle Fund Appropriation—Federal | \$ | 10,463,549 |
| <u>Puget Sound Ferry Operations Account—Motor Vehicle Fund—</u> | | |
| <u>State Appropriation</u> | \$ | 25,000 |
| <u>Puget Sound Capital Construction Account—Motor Vehicle</u> | | |
| <u>Fund—State Appropriation</u> | \$ | 25,000 |
| <u>Transportation Fund</u> | \$ | 150,000 |
| Total Appropriation | \$ | ((33,759,001)) |
| | | 31,870,942 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund—state appropriation may be increased by up to \$1,500,000 in the event federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section, subject to legislative transportation committee notification. If additional federal funds become available to more than fully fund the motor vehicle fund—federal appropriation in this section, the department may transfer up to \$600,000 from the motor vehicle fund—state appropriation to the motor vehicle fund—federal appropriation.

(2) \$892,852 of the motor vehicle fund—state appropriation is provided for interstate 4-R and route planning studies.

(3) \$115,126 of the motor vehicle fund—state appropriation is provided for traffic analysis studies.

(4) \$50,000 of the motor vehicle fund—state appropriation and \$50,000 of the general fund—state appropriation is provided solely for one additional full-time employee to implement the requirements set forth in Engrossed House Bill No. 1438.

(5) The high capacity transportation account appropriation is subject to the following conditions and limitations:

(a) ~~\$((6,001,793))~~ 3,400,000 or as much thereof as may be necessary may be expended to provide up to eighty percent matching assistance for regional ~~((passenger rail))~~ high capacity transportation planning efforts:

(b) ~~((550,000 or as much thereof as may be necessary))~~ Up to \$250,000 may be expended to determine ways of improving Amtrak service including coordination and planning efforts within the state:

(c) ~~\$((833,346))~~ 220,000 or as much thereof as may be necessary may be expended for ~~((passenger rail))~~ high capacity transportation program administration ~~((and for independent review of passenger rail plans))~~; ~~((and))~~

(d) ~~\$((426,000))~~ 233,000 or as much thereof as may be necessary may be expended for freight rail program administration ~~((:))~~; and

(e) Up to five hundred thousand dollars is provided solely for the purpose of funding administration and activities of the high capacity transportation expert review panel appointed in 1989 by the chair of the legislative transportation committee, the governor, and the secretary of transportation.

(6) Up to \$150,000 of the general fund—state appropriation and \$150,000 of the transportation fund appropriation is provided solely for an update to the 1985 port system study. The study shall assess the state's transportation system as it relates to international trade and economic development. The study shall be managed by the Washington public ports association. The study shall be completed by December 31, 1990.

(7) \$20,000 of the motor vehicle fund—state appropriation is provided solely for a study of the Hood river toll bridge which shall include an analysis of the origin and destination of trips and traffic volumes.

(8) \$1,700,000 of the motor vehicle fund—state appropriation is provided for regional transportation planning as authorized by House Bill No. 2929. This appropriation shall be allocated as follows:

(a) A maximum total of \$341,250 will be allocated to lead planning agencies, based on \$8,750 per county for each county within a regional transportation planning organization:

(b) A maximum of \$1,258,750 will be allocated to lead planning agencies on a per capita basis; and

(c) \$100,000 for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

Any funds not allocated under subsection (a) or (b) of this subsection shall be available for the discretionary grant program under (c) of this subsection.

The appropriation provided for in this subsection shall lapse if House Bill No. 2929 is not enacted by June 30, 1990.

(9) Up to \$25,000 of the Puget Sound capital construction account appropriation and up to \$25,000 of the Puget Sound ferry operations account appropriation is provided to review the economic impact of the Anacortes/San Juan/Sydney route on the state of Washington, the San Juan islands, and surrounding communities, including the related impact on the future vessel acquisition plan. The study shall also determine the type and nature of the financial arrangement for a British Columbia terminal, if warranted. The findings and recommendations of such study shall be presented to the legislative transportation committee by December 1, 1990.

Sec. 23. Section 29, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

| | | |
|--|----|-------------------------|
| Motor Vehicle Fund Appropriation | \$ | (10,607,946) |
| | | 10,898,946 |

The appropriation in this section is to provide for costs billed to the department for the services of other state agencies as follows:

(1) Archives and records management, ~~\$(216,000)~~ 231,000;

(2) Attorney general tort claims support, \$5,141,946;

(3) Office of the state auditor audit services, ~~\$(731,000)~~ 821,000;

(4) Department of general administration facilities and services charges, ~~\$(1,946,000)~~ 2,132,000; and

(5) Department of personnel services, \$2,573,000.

Sec. 24. Section 30, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE CONSTRUCTION—PROGRAM W

| | | |
|---|----|-------------------------|
| Motor Vehicle Fund—Puget Sound Capital Construction Account | | |
| Appropriation—State | \$ | (98,930,400) |
| | | 99,841,400 |

| | | |
|---|----|-------------------------|
| Motor Vehicle Fund—Puget Sound Capital Construction Account | | |
| Appropriation—Federal | \$ | 14,200,000 |
| Total Appropriation | \$ | (13,130,400) |
| | | 114,041,400 |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to carry out only the projects presented to the governor and the house of representatives and senate transportation committees in the department of transportation's 1989-91 biennial budget request dated March, 1989 and as amended by the department's supplemental budget request. The department of transportation shall revise these projects to reconcile them with the 1987-89 actual expenditures within sixty days of the beginning of the biennium.

(2) The Puget Sound capital construction account—state appropriation in this section contains \$15,000,000 of state funds transferred as a loan from the Puget Sound ferry operations account. Repayment to the Puget Sound ferry operations account from the Puget Sound capital construction account shall begin in the 1993-95 biennium.

(3) The Puget Sound capital construction account—state appropriation ~~(of \$100,300,000)~~ includes \$20,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(4) The Puget Sound capital construction account—state appropriation contains up to \$100,000 which shall be used in conjunction with funds provided by the legislative transportation committee to study and recommend a means for financing the future purchases of any required auto ferry vessel(s); PROVIDED, That the results of this joint study shall be presented to the governor and the house of representatives and senate transportation committees prior to December 31, 1989.

(5) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the capital program authorized in this section.

(6) Up to \$791,000 may be expended for passenger only terminal construction at Coleman dock in Seattle.

(7) \$120,000 of the Puget Sound capital construction account is provided solely for work at the Sidney terminal.

Sec. 25. Section 31, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

| | | |
|---------------------------------------|----|----------------------------|
| Ferry System Fund Appropriation | \$ | ((167,808,589)) |
| | | 176,651,729 |

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of ~~\$(19,643,704))~~ 20,814,327 for vessel operating fuel in the 1989-91 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) In the event that revenues available to the ferry system fund are not sufficient to support the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section, the department may transfer funds from the Puget Sound ferry operations account to the ferry system fund.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1989-91 biennium shall not exceed ~~\$(110,842,958))~~ 115,999,901 plus a dollar amount, as prescribed by the office of financial management, which is equal to any insurance benefit increase granted general government employees in excess of \$224.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1989-91 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). Of the ~~\$(110,842,958))~~ 115,999,901 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount which shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used in conjunction with \$19,794 to increase compensation costs, effective January 1, 1990;

(b) The prescribed insurance benefit increase dollar amount which shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used in conjunction with \$40,046 to increase compensation costs, effective July 1, 1989;

(c) The maximum dollar amount which shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1989-90 compensation increase and may be used in conjunction with \$247,242 to increase compensation costs, effective January 1, 1991.

In no event may the June 30, 1990, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1989-90 fiscal year.

In no event may the June 30, 1991, hourly salary rate increase exceed any salary rate increase granted during the 1990-91 fiscal year.

(4) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(5) The appropriation in this section contains ~~\$(1,000,000))~~ 1,303,000 which shall be expended only to complete the marine division payroll/personnel integration project.

(6) The transportation commission shall propose to the legislative transportation committee a reporting structure that reflects the respective operating expenditures and revenues supporting each of the vessel routes by December 31, 1989. The proposed reporting structure should be tied to existing accounting data and should provide the legislature adequate information to examine the tax subsidy required to support the operation of the various routes.

(7) \$130,000 of this appropriation is provided solely for rent and maintenance increases for terminal property at Sidney, British Columbia.

(8) The appropriation in this section provides for passenger only service between Bremerton and Seattle, and Vashon Island and Seattle.

Sec. 26. Section 32, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—STATE AID—PROGRAM Z

| | | |
|--|----|--------------------------|
| Motor Vehicle Fund Appropriation—State | \$ | ((6,456,591)) |
| | | 8,456,591 |
| Motor Vehicle Fund Appropriation—Federal | \$ | 106,615,693 |
| Motor Vehicle Fund Appropriation—Local | \$ | 18,557,000 |

Total Appropriation \$ ~~((+31,629,284))~~
 133,629,284

(1) The appropriations in this section include \$7,000,000 from the motor vehicle fund—federal for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws.

(3) ~~\$((3,000,000))~~ 5,000,000 of the motor vehicle fund—state appropriation, or as much thereof as may be required, is provided for studies that are mutually beneficial to cities, counties and the state department of transportation, including the continuation of the road jurisdiction study ~~((and)),~~ the project cost evaluation methodology study, and the studies provided in section 12 (5) and (6) of this act.

Sec. 27. Section 36, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FOR PAYMENT OF BELATED CLAIMS

| | | |
|--|----|---------------------------------------|
| Motor Vehicle Fund Appropriation | \$ | ((5,000,000)) 3,000,000 |
| Puget Sound Ferry Operations Account Appropriation | \$ | 100,000 |
| Total Appropriation | \$ | ((5,100,000)) 3,100,000 |

Sec. 28. Section 56, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

~~((Program through design development:))~~ Washington State Patrol headquarters (90-2-040)

| | | |
|----------------------|-----------------|-----------------------------------|
| | Reappropriation | Appropriation |
| St Patrol Hiway Acct | | ((100,000)) 250,000 |
| Project | Estimated | Estimated |
| Costs | Costs | Total |
| Through | 7/1/91 and | Costs |
| 6/30/89 | Thereafter | |
| | 24,000,000 | 24,000,000 |

The appropriation in this section includes \$150,000 for a feasibility study for the state patrol headquarters building. The scope of work is to include funding methodology, the maximum building density for the site and space utilization for the state patrol, department of transportation, and department of licensing for the property bounded by Maple Park, Jefferson, and 14th streets in the city of Olympia.

The study is to be coordinated by the Washington state patrol, in cooperation with the office of financial management, the department of general administration, and the legislative transportation committee.

Sec. 29. Section 64, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

By July 1, ~~((1990))~~ 1991 the department of transportation shall take actions necessary to ensure that the safety requirements for work places in the state ferry system, whether within the navigable waters subject to the jurisdiction of the state of Washington or the United States, conform, at a minimum, with the employee safety and health regulations adopted by the department of labor and industries pursuant to chapter 49.17 RCW.

Sec. 30. Section 65, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

Effective June 1, 1991, counties with a population of 50,000 or more and cities with a population of 8,000 or more receiving moneys provided in this act shall have adopted a local comprehensive plan prior to the receipt of such funds. The plan shall include a coordinated system of growth planning and strategies and shall take into consideration any state and regional planning efforts, including but not limited to, the rail development commission report, road jurisdiction study, department of transportation policy plan, and the Washington state economic development board. Cities and towns must adopt a comprehensive plan under chapter 35.63 or 35A.63 RCW or under the authority of its charter where applicable. Counties must adopt a comprehensive plan under chapter 35.63 or 36.70 RCW or under the authority of its own charter where applicable. The plans adopted by cities, towns, and counties shall be submitted, upon adoption, to the office of financial management and the department of transportation.

NEW SECTION: Sec. 31. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

\$100,000 is appropriated from the motor vehicle fund solely for the motor fuel quality testing program provided for in Engrossed Substitute House Bill No. 1450. If Engrossed Substitute

House Bill No. 1450 is not enacted by June 30, 1990, the allocation provided for in this section shall lapse.

NEW SECTION. Sec. 32. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE TRAFFIC SAFETY COMMISSION

\$70,000 from the transportation fund is appropriated to the traffic safety commission for a state bicycle coordinator. If ESSB No. 6434 is not enacted by June 30, 1990, this appropriation shall lapse.

NEW SECTION. Sec. 33. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

\$3,000,000 is appropriated from the general fund—state appropriation to the department of ecology to be distributed to local air pollution control authorities based upon the pro rata share of vehicle registrations within the authority's boundaries.

The appropriations shall be used for (1) monitoring air quality to help determine transportation-caused contributions to carbon monoxide, particulates, ozone, and toxic air pollutants; (2) to support public health effects studies of transportation-caused pollution; (3) to create computer models to demonstrate transportation-caused air pollution effects and to formulate possible solutions; (4) establish a program for phase two recovery of fuel vapors; (5) enhance computer capacity to deal with data acquisition and storage, modeling and analysis of pollutant sources, and maintenance and analysis of air pollution source inventories; and (6) expansion of technical assistance to the regulated community and governments in order to assist in compliance with air pollution standards and to reduce the impact of transportation-caused air pollution. In areas of inactive air pollution control authorities, the department shall receive the funds and act in place of the inactive authority.

NEW SECTION. Sec. 34. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Motor Vehicle Fund Appropriation \$ 2,200,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The sum of \$2,200,000, or as much thereof as may be necessary, is provided solely to retire or defease any outstanding bonds issued under RCW 47.56.711.
- (2) This appropriation is not subject to the provisions of RCW 47.56.715.

NEW SECTION. Sec. 35. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

(1) Any public agency including but not limited to transit agencies, cities, counties, and the state department of transportation, awarded contracts from counties for the construction of high occupancy vehicle lanes and related facilities shall use such moneys in addition to, and not as a substitute for, moneys currently used, or planned to be used, for high occupancy vehicle lanes by the public agency receiving the award.

It is the intent of the Washington state legislature that construction of high occupancy vehicle lanes and related facilities shall be prioritized as follows:

- (a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;
 - (b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities; and
 - (c) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.
- (2) Cities, counties, transit agencies, and the state department of transportation having within their boundaries a portion of the existing or planned high occupancy vehicle system as contained in the regional transportation plan, shall coordinate programming and operational decisions affecting the high occupancy vehicle system.

NEW SECTION. Sec. 36. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

The department of transportation shall work toward implementing the recommendations of the governor's efficiency and accountability commission on activities relating to communication and additional public information resources and report their progress to the legislative transportation executive committee by June 30, 1990.

NEW SECTION. Sec. 37. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

The new taxes distributed in section 103, chapter ... (ESSB No. 6358), Laws of 1990 shall be subject to the provisions in RCW 46.68.110 and 46.68.120.

Sec. 38. Section 504, chapter ... (ESSB 6358), Laws of 1990 (uncodified) is amended to read as follows:

(1) Sections 101 through 104, 115 through 117, 201 through 214, 405 through 411, and 503, chapter ... (ESSB 6358), Laws of 1990 are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect April 1, 1990.

(2) Sections 105 through 114, chapter ... (ESSB 6358), Laws of 1990 shall take effect September 1, 1990. The additional fees in sections 105 through 108, chapter ... (ESSB 6358), Laws of 1990 apply for all motor vehicle registrations that expire August 31, ~~((1992))~~ 1991, and thereafter.

(3) Sections 301 through 303 and 305 through 328, chapter ... (ESSB 6358), Laws of 1990 shall take effect September 1, 1990, and apply to the purchase of vehicle registrations that expire August 31, 1991, and thereafter.

(4) Section 304, chapter ... (ESSB 6358), Laws of 1990 shall take effect July 1, 1991, and apply to all vehicles registered for the first time with an expiration date of June 30, 1992, and thereafter.

(5) The director of licensing may immediately take such steps as are necessary to ensure that the sections of chapter ... (ESSB 6358), Laws of 1990 are implemented on their effective dates.

(6) Sections 401 through 404, chapter ... (ESSB 6358), Laws of 1990 shall take effect September 1, 1990, only if the bonds issued under RCW 47.56.711 for the Spokane river toll bridge have been retired or fully defeased, and shall become null and void if the bonds have not been retired or fully defeased on that date.

NEW SECTION. Sec. 39. The legislature finds that with the increase in air traffic operations, combined with the projections for the rapid expansion of these operations in both the short and the long term, concerns regarding the environmental, health, social, and economic impacts of air traffic are increasing as well. The legislature also finds that advancing Washington's position as a national and international trading leader is dependent upon the development of a highly competitive, state-wide passenger and cargo air transportation system. Therefore, there is an obvious need for improved coordination of local, federal, and state efforts to develop state-wide air transportation policies to promote continued economic development and to mitigate the negative impacts of air traffic on surrounding communities.

The legislature seeks to provide for the comprehensive examination of air transportation issues, taking into consideration the data and conclusions of appropriate air traffic studies, including but not limited to those currently underway by various public ports of Washington, local jurisdictions, the department of transportation, and the Puget Sound Council of Governments.

It is the intent of the legislature to establish an air transportation commission, made up of persons interested in and affected by air transportation.

NEW SECTION. Sec. 40. (1) The air transportation commission is created to carry out the functions of this chapter. The commission shall consist of twenty-two voting members.

(2) The governor shall appoint nineteen members to represent the following interests:

(a) Four city representatives, who shall be elected city officials, with at least one from a small city or town affected by air traffic problems and one from a large city that is a member of the regional airport system study;

(b) Four county representatives, who shall be elected county officials, with at least one from a small county affected by air traffic problems, and one from a large county that is a member of the regional airport system study;

(c) Two citizens to represent the private sector, with one from western Washington and one from eastern Washington;

(d) Three as representatives from the airline industry;

(e) Two as representatives of the ports, one of whom shall represent a port located in a county of one million population or more;

(f) The governor or a designee;

(g) A representative from the SeaTac noise mediation project;

(h) A representative from an eastern Washington metropolitan planning organization; and

(i) A representative from a western Washington metropolitan planning organization.

(3) The remaining three members shall be:

(a) The secretary of transportation or a designee;

(b) The assistant secretary of the division of aeronautics of the department of transportation; and

(c) The director of the Washington state transportation center created by agreement between the University of Washington, Washington State University, and the department of transportation.

(4) The chair of the legislative transportation committee shall appoint four members of the legislature to serve as nonvoting members of the commission.

(5) The manager of the Seattle airports division, northwest region of the federal aviation administration shall serve as a nonvoting member.

NEW SECTION. Sec. 41. The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall examine high speed rail transportation systems, including but not limited to magnetic levitation trains, personal rapid transit systems, and complimentary transportation systems, using to the extent possible the existing rights of way along I-90, I-5, and the Stampede Pass rail corridor.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, 1994, with an interim report to be presented to the legislative transportation committee by December 1, 1992.

NEW SECTION. Sec. 42. The commission may contract with consultants to assist in any of the assigned studies. The commission shall seek federal funding in consultation with the department of transportation. Any federal funds received shall reduce the amount of state funds appropriated in section 13 of this act.

NEW SECTION. Sec. 43. The commission shall select a chair from among its membership and shall adopt rules related to its powers and duties under this chapter. Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 44.04.120, as appropriate. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The commission has all powers necessary to carry out its duties as prescribed by this chapter. The commission shall be dissolved on June 30, 1995.

NEW SECTION. Sec. 44. The commission may employ staff as necessary to carry out this chapter. The department of transportation, the legislative transportation committee, and the Washington state transportation center may provide additional staff support for the commission. The legislative transportation committee must approve the commission's budget plan before the commission may spend funds.

NEW SECTION. Sec. 45. This chapter expires June 30, 1995.

NEW SECTION. Sec. 46. Sections 39 through 45 of this act constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 47. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 48. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Senators Patterson, Thorsness, Bender; Representatives R. Fisher, Cooper, Schmidt.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Senate Bill No. 6408 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6663 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 6663

Authorizing special license plates and emblems.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

All previous amendment be rejected and the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The department may create, design, and issue special license plates, upon terms and conditions as may be established by the department, that may be used in lieu of regular or personalized license plates upon vehicles. The special plates may denote the age or type of vehicle or may denote special activities or interests, status, or contribution or sacrifice for the United States, the state of Washington, or the citizens of the state of Washington, of a registered owner of that vehicle.

(2) The department has the sole discretion to determine whether or not to create, design, or issue any series of special license plates and whether any activity, status, contribution, or sacrifice merits the issuance of a series of special license plates. In making this determination, the department shall consider whether or not an activity or interest proposed contributes or has contributed significantly to the public health, safety, or welfare of the citizens of the United States or of this state or to their significant benefit, or whether the activity, interest, contribution, or sacrifice is recognized by the United States, this state, or other states, in other settings or contexts. The department may also consider the potential number of persons who may be eligible for the plates and the cost and efficiency of producing limited numbers of the plates. The design of a special license plate shall conform to all requirements for plates for the type of vehicle for which it is issued, as provided elsewhere in this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

The department shall continue to issue, under section 1 of this act and the department's rules implementing sections 1 through 9 of this act, the categories of special plates issued by the department under the sections repealed under section 13 (1) through (7) of this act. Special license plates issued under those repealed sections before January 1, 1991, are valid to the extent and under the conditions provided in those repealed sections. The following conditions, limitations, or requirements apply to certain special license plates issued after January 1, 1991:

(1) A horseless carriage plate and a plate or plates issued for collectors' vehicles more than thirty years old, upon payment of the initial fees required by law and the additional special license plate fee established by the department, are valid for the life of the vehicle for which application is approved by the department. When a single plate is issued, it shall be displayed on the rear of the vehicle.

(2) The department may issue special license plates denoting amateur radio operator status only to persons having a valid official radio operator license issued for a term of five years by the federal communications commission.

(3) The department shall issue one set of special license plates to each resident of this state who has been awarded the Congressional Medal of Honor for use on a passenger vehicle registered to that person. The department shall issue the plate without the payment of any fees.

(4) The department may issue for use on only one motor vehicle owned by the qualified applicant special license plates denoting that the recipient of the plate is a survivor of the attack on Pearl Harbor on December 7, 1941, to persons meeting all of the following criteria:

- (a) Is a resident of this state;
- (b) Was a member of the United States Armed Forces on December 7, 1941;
- (c) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;
- (d) Received an honorable discharge from the United States Armed Forces; and
- (e) Is certified by a Washington state chapter of the Pearl Harbor survivors association as satisfying the qualifications in (c) of this subsection.

The department may issue such plates to the surviving spouse of any deceased Pearl Harbor survivor who met the requirements of this subsection. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular plates. The surviving spouse must be a resident of this state.

The department shall issue these plates upon payment by the applicant of all other license fees, but the department may not set or charge an additional fee for these special license plates under section 4 of this act.

(5) The department shall replace, free of charge, special license plates issued under subsections (3) and (4) of this section if they are lost, stolen, damaged, defaced, or destroyed. Such plates shall remain with the persons upon transfer or other disposition of the vehicle for which they were initially issued, and may be used on another vehicle registered to the recipient in accordance with the provisions of section 5(1) of this act.

NEW SECTION, Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:

Persons applying to the department for special license plates shall apply on forms obtained from the department and in accordance with RCW 46.16.040. The applicant shall provide all information as is required by the department in order to determine the applicant's eligibility for such special license plates and for administration of sections 1 through 9 of this act.

NEW SECTION, Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

The department may establish a fee for the issuance of each type of special license plate or plates in an amount calculated to offset the cost of production of the special license plate or plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

NEW SECTION, Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

Except as provided in section 2 of this act:

(1) When a person who has been issued a special license plate or plates under section 1 of this act sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of five dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

NEW SECTION, Sec. 6. A new section is added to chapter 46.16 RCW to read as follows:

(1) The department shall issue upon payment of a fee and proof from an honorably discharged veteran, a remembrance emblem depicting a tribute or message and the American flag.

(2) Veterans who served in our nation's wars and conflicts can, upon request and payment of a fee and proof of service, receive a remembrance emblem depicting the campaign ribbon the veteran was awarded. Only the following campaign ribbon remembrance emblems will be available: World War I victory medal; Asiatic-Pacific campaign medal, WWII; European-African-Middle East campaign medal, WWII; American campaign medal, WWII; Korean service medal; Vietnam service medal; Armed Forces Expeditionary, after 1958.

(3) The remembrance emblem will be displayed upon vehicle license plates in the manner prescribed by the department.

(4) A veteran requesting a remembrance emblem from the department shall provide a copy of his or her discharge papers (DD-214) along with payment of the fee. A veteran requesting a remembrance emblem must be a legal or registered owner of the vehicle on which remembrance emblems are to be displayed.

NEW SECTION, Sec. 7. A new section is added to chapter 46.16 RCW to read as follows:

Any institution of higher education as defined in RCW 28B.10.016 may petition the department to create, design, and issue to that institution a vehicle license plate emblem series that identifies that institution or one of its purposes, programs, projects, or causes. The vehicle license plate emblem issued by the department may display a mascot, slogan, message, or symbol that can be displayed on a vehicle license plate or plates in the manner prescribed by the department. The department has sole discretion in approving or disapproving institutions for participation in the vehicle license plate emblem program. The department also has the sole discretion to determine the significance of the purpose, program, project, or cause and if it merits recognition by issuance of a vehicle license plate emblem.

Application to the department is the exclusive method for an institution to request issuance of a special vehicle license plate emblem series or to obtain such emblems for distribution by approved institutions. All applicants shall apply to the department on a form obtained from the department.

Any approved institution may collect additional fees from any person as a condition for receiving an emblem, to be used for the purposes of the approved institution.

NEW SECTION, Sec. 8. A new section is added to chapter 46.16 RCW to read as follows:

Vehicle license plate emblems and veteran remembrance emblems shall use fully reflectorized materials designed to provide visibility at night. Emblems shall be designed to be affixed to a vehicle license number plate by pressure-sensitive adhesive so as not to obscure the plate identification numbers or letters.

Emblems will be issued for display on the front and rear license number plates. Single emblems will be issued for vehicles authorized to display one license number plate.

NEW SECTION, Sec. 9. A new section is added to chapter 46.16 RCW to read as follows:

(1) The director may adopt fees to be charged by the department for emblems issued by the department under sections 6 and 7 of this act.

(2) The fee for each remembrance emblem issued under section 6 of this act shall be in an amount sufficient to offset the costs of production of remembrance emblems and the administration of that program by the department plus an amount for use by the department of veterans' affairs, not to exceed a total fee of twenty-five dollars per emblem. The fee for each special vehicle license plate emblem issued under section 7 of this act shall be an amount sufficient to offset the cost of production of the emblems and of administering the special vehicle license plate emblem program.

(3) The veterans' emblem account is created in the custody of the state treasurer. All receipts by the department from the issuance of remembrance emblems under section 6 of this act shall be deposited into this fund. Expenditures from the fund may be used only for the costs of production of remembrance emblems and administration of the program by the department of licensing, with the balance used only by the department of veterans' affairs for projects that pay tribute to those living veterans and to those who have died defending freedom in our nation's wars and conflicts and for the upkeep and operations of existing memorials, as well as for planning, acquiring land for, and constructing future memorials. Only the director of licensing, the director of veterans' affairs, or their designees may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(4) The special vehicle license plate emblem account is established in the state treasury. Fees collected by the department for emblems issued under section 7 of this act shall be deposited into the special vehicle license plate emblem account to be used only to offset the costs of administering the special vehicle license plate emblem program.

NEW SECTION, Sec. 10. A new section is added to chapter 46.16 RCW to read as follows:

The director shall adopt rules to implement sections 1 through 9 of this act, including setting of fees.

Sec. 11. Section 46.16.350, chapter 12, Laws of 1961 as last amended by section 49, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.350 are each amended to read as follows:

Any radio amateur operator who holds a special call letter license plate as issued under ~~((the provisions of RCW 46.16.320 through 46.16.350))~~ sections 1 through 5 of this act, and who has allowed his or her federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his or her call letter license plate. Failure to do so is a traffic infraction.

NEW SECTION, Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 46.16.310, chapter 12, Laws of 1961, section 1, chapter 114, Laws of 1971 ex. sess., section 1, chapter 143, Laws of 1982, section 1, chapter 15, Laws of 1988 and RCW 46.16.310;

(2) Section 2, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.311;

(3) Section 3, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.315;

(4) Section 46.16.320, chapter 12, Laws of 1961, section 21, chapter 32, Laws of 1967, section 80, chapter 145, Laws of 1967 ex. sess., section 1, chapter 206, Laws of 1969 ex. sess., section 10, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.320;

(5) Section 46.16.330, chapter 12, Laws of 1961, section 22, chapter 32, Laws of 1967 and RCW 46.16.330;

(6) Section 1, chapter 77, Laws of 1979 ex. sess. and RCW 46.16.620;

(7) Section 1, chapter 44, Laws of 1987 and RCW 46.16.625; and

(8) Section 2, chapter 280, Laws of 1986 and RCW 46.16.660.

Sec. 13. Section 6, chapter 244, Laws of 1975 1st ex. sess. as last amended by section 9, chapter 352, Laws of 1985 and RCW 10.05.060 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract of the docket showing the charge and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. The department shall maintain the record for five years from date of entry of the order granting deferred prosecution.

Sec. 14. Section 3, chapter 156, Laws of 1965 and RCW 46.01.030 are each amended to read as follows:

The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;
- (3) driver records;

- (4) financial responsibility;
- (5) certificates of ownership;
- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol and ~~((state))~~ traffic safety ~~((council))~~ commission;
- (11) such other activities as the legislature may provide.

Sec. 15. Section 9, chapter 156, Laws of 1965 as amended by section 119, chapter 158, Laws of 1979 and RCW 46.01.090 are each amended to read as follows:

The department shall be under the control of an executive officer to be known as the director of licensing. ~~((He))~~ The director shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The director))~~ Directors shall be selected with special reference to ~~((his))~~ their experience, capacity, and interest in the field of motor vehicle administration or highway safety.

Sec. 16. Section 10, chapter 156, Laws of 1965 and RCW 46.01.100 are each amended to read as follows:

~~((The director))~~ Directors shall organize the department in such manner as ~~((he))~~ they may deem necessary ~~((properly))~~ to segregate and conduct the work of the department ~~((effectively))~~.

Sec. 17. Section 5, chapter 231, Laws of 1971 ex. sess. and RCW 46.04.303 are each amended to read as follows:

"Modular home" means ~~((any factory-built housing))~~ a factory-assembled structure designed primarily for ((residential occupancy by human beings which does not contain a permanent frame)) use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.

Sec. 18. Section 1, chapter 213, Laws of 1979 ex. sess. as amended by section 702, chapter 330, Laws of 1987 and RCW 46.04.304 are each amended to read as follows:

"Moped" means ~~((any two-wheeled or three-wheeled))~~ a motorized device designed to travel with not more than three sixteen-inch or larger diameter wheels in contact with the ground, having fully operative pedals for propulsion by human power, and ((a)) an electric or a liquid fuel motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) ((and)) that is capable of propelling the device at ((a maximum speed of)) not more than thirty miles per hour on level ground((- and the wheels of which are at least sixteen inches in diameter)).

The Washington state patrol may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to ~~((vehicles))~~ motorized devices which do meet these specific criteria.

Sec. 19. Section 3, chapter 231, Laws of 1971 ex. sess. and RCW 46.04.305 are each amended to read as follows:

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle.

Sec. 20. Section 46.04.330, chapter 12, Laws of 1961 as amended by section 2, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.330 are each amended to read as follows:

"Motorcycle" means ~~((every))~~ a motor vehicle ((having a saddle for the use of the rider and)) designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor and a moped.

The Washington state patrol may approve of and define as a "motorcycle" a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria.

NEW SECTION. Sec. 21. A new section is added to chapter 46.04 RCW to read as follows:

"Photograph," along with the terms "picture" and "negative," means a pictorial representation, whether produced through photographic or other means, including, but not limited to, digital data imaging.

Sec. 22. Section 46.04.580, chapter 12, Laws of 1961 and RCW 46.04.580 are each amended to read as follows:

"Suspend," in all its forms, means invalidation for any period less than one calendar year and thereafter until reinstatement. However, under RCW 46.61.515 the invalidation may last for more than one calendar year.

Sec. 23. Section 8, chapter 47, Laws of 1971 ex. sess. as last amended by section 2, chapter 206, Laws of 1986 and RCW 46.09.030 are each amended to read as follows:

The department shall provide for the issuance of use permits for off-road vehicles and may appoint agents for collecting fees and issuing permits. The department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals. The provisions of RCW 46.01.130 and 46.01.140 apply to the issuance of use permits for off-road vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees.

Sec. 24. Section 13, chapter 47, Laws of 1971 ex. sess. as last amended by section 5, chapter 206, Laws of 1986 and RCW 46.09.080 are each amended to read as follows:

(1) Each dealer of off-road vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW shall obtain an ORV dealer permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of an application for an ORV dealer permit and the fee under subsection (2) of this section, the dealer shall be registered and an ORV dealer permit number assigned.

(2) The fee for ORV dealer permits shall be twenty-five dollars per year, which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer shall have separate use permits.

(3) Upon the issuance of an ORV dealer permit each dealer ~~(shall)~~ may purchase, at a cost to be determined by the department, ORV dealer number plates of a size and color to be determined by the department, that contain the dealer ORV permit number assigned to the dealer. Each off-road vehicle operated by a dealer, dealer representative, or prospective customer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions in chapter 46.70 RCW or this section, in a manner prescribed by the department.

(4) ~~((No person other than a dealer or a representative thereof may display number plates as prescribed in subsection (3) of this section, and))~~ No dealer ((or)), dealer representative ((thereof)), or prospective customer shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ORV dealer permit numbers shall be nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test or demonstrate any off-road vehicle within the state unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ORV dealer permit number in accordance with this section.

(7) When an ORV is sold by a dealer, the dealer shall apply for title in the purchaser's name within fifteen days following the sale.

Sec. 25. Section 19, chapter 47, Laws of 1971 ex. sess. as amended by section 12, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.140 are each amended to read as follows:

The operator of any nonhighway vehicle involved in any accident resulting in injury to or death of any person, or property damage to another ~~((in the estimated amount of two hundred dollars or more))~~ to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, ((as now enacted or as hereafter amended.)) and the provisions of chapter 46.52 RCW ~~((shall be applicable))~~ applies to ((such)) the reports when submitted.

Sec. 26. Section 5, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 17, Laws of 1982 and RCW 46.10.050 are each amended to read as follows:

(1) Each dealer of snowmobiles in this state shall register with the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for registration and the registration fee provided for in subsection (2) of this section, such dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and such fee shall cover all of the snowmobiles ~~((owned))~~ offered by a dealer for ~~((other than personal use))~~ sale and not rented on a regular, commercial basis: PROVIDED, That snowmobiles rented on a regular commercial basis by a dealer shall be registered separately under the provisions of RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070.

(3) Upon registration each dealer ~~(shall)~~ may purchase, at a cost to be determined by the department, dealer number plates of a size and color to be determined by the department, which shall contain the registration number assigned to that dealer. Each snowmobile operated by a dealer, dealer representative, or prospective customer for the purposes ~~((enumerated in subsection (2) of this section))~~ of demonstration or testing shall display such number plates in a clearly visible manner.

(4) No person other than a dealer ~~((or a)),~~ dealer representative ((thereof)), or prospective customer shall display a dealer number plate, and no dealer ~~((or a)),~~ dealer representative ((thereof)), or prospective customer shall use a dealer's number plate for any purpose other than the purposes described in subsection ~~((2))~~ (3) of this section.

(5) Dealer registration numbers ~~((shall be))~~ are nontransferable.

(6) If (~~shall be~~) is unlawful for any dealer to sell any snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless registered in accordance with the provisions of this section.

Sec. 27. Section 14, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.140 are each amended to read as follows:

The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage (~~in the estimated amount of two hundred dollars or more~~) to an apparent extent equal to or greater than the minimum amount established by rule adopted by the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident, (~~should~~) if the operator of the snowmobile (~~be~~) is unknown, shall submit such reports as are required under chapter 46.52 RCW, (~~as now enacted or as hereafter amended;~~) and the provisions of chapter 46.52 RCW (~~shall be applicable~~) applies to (such) the reports when submitted.

Sec. 28. Section 46.12.070, chapter 12, Laws of 1961 and RCW 46.12.070 are each amended to read as follows:

Upon the destruction of any vehicle (~~covered by~~) issued a certificate(s) of ownership under this chapter or a license registration (~~and ownership~~) under chapter 46.16 RCW, the registered owner and the legal owner shall forthwith and within (~~five~~) fifteen days thereafter forward and surrender (~~such~~) the certificate(~~together with the vehicle license plates therefor if available;~~) to the (~~director~~) department, together with a statement of the reason for (~~such~~) the surrender and the (~~time~~) date and place of destruction. Failure to notify the (~~director~~) department or the possession by any person of any such certificate for a vehicle so destroyed, after (~~five~~) fifteen days following its destruction, (~~shall be~~) is prima facie evidence of violation of the provisions of this chapter and (~~shall~~) constitutes a gross misdemeanor.

Any insurance company settling (~~any~~) an insurance claim on (~~any such~~) a vehicle that has been issued a certificate of ownership under this chapter or a certificate of license registration under chapter 46.16 RCW as a total loss, less salvage value, shall notify the (~~director~~) department thereof within (~~five~~) fifteen days after the settlement of (~~any such~~) the claim (~~under any policy of insurance carried by it on a vehicle covered by certificates of license registration and ownership issued by this state~~). Notification shall be provided regardless of where or in what jurisdiction the total loss occurred.

Sec. 29. Section 46.12.140, chapter 12, Laws of 1961 and RCW 46.12.140 are each amended to read as follows:

In the case of vehicle dealers (in vehicles, including manufacturers who sell to persons other than dealers;) a separate certificate of ownership, either of the dealer or of the dealer's immediate vendor properly assigned (~~or of the dealer himself~~), shall be required covering each used vehicle kept in (~~his~~) the dealer's possession. In the case of consigned vehicles, the vehicle dealer may possess a completed consignment contract that includes a guaranteed title from the seller in lieu of the required certificate of ownership.

Sec. 30. Section 9, chapter 140, Laws of 1967 and RCW 46.12.151 are each amended to read as follows:

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership for a period of three years or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond for a period of three years in the form prescribed by the department and executed by the applicant (or in lieu thereof a deposit of cash in like amount). The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. (~~The bond, or any cash deposit shall be returned.~~) At the end of three years or prior thereto if the vehicle is no longer registered in this state (and the currently valid certificate) or when satisfactory evidence of ownership is surrendered to the department, (unless the department has been notified of the pendency of an action to recover on) the owner may apply to the department for a replacement certificate of ownership without reference to the bond.

Sec. 31. Section 8, chapter 140, Laws of 1967 as amended by section 1, chapter 170, Laws of 1969 ex. sess. and RCW 46.12.181 are each amended to read as follows:

If a certificate of ownership or a certificate of license registration is lost, stolen, mutilated or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal

representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and upon furnishing information satisfactory to the department. The duplicate certificate of ownership or license registration shall contain the legend, "This is a duplicate certificate." It shall be mailed to the first priority secured party named in it or, if none, to the owner.

~~((The department shall not issue a new certificate of ownership to a transferee upon application made for a duplicate until fifteen department business days after receipt of the application.))~~

A person recovering an original certificate of ownership or title registration for which a duplicate has been issued shall promptly surrender the original certificate to the department.

Sec. 32. Section 2, chapter 178, Laws of 1987 and RCW 46.16.270 are each amended to read as follows:

Replacement plates issued after January 1, 1987, will be centennial plates as described in RCW 46.16.650. ~~((Revenues generated from the centennial plate shall go in part to support local and state centennial activities as provided in RCW 27.60.080. One dollar per plate of the replacement plate fee(s) will be distributed as follows: From January 1, 1987, through June 30, 1989, one-half of the fee shall be deposited in the centennial commission account, and the remainder shall be deposited in the motor vehicle fund. Commencing July 1, 1989.))~~ The total replacement plate fee including the one dollar per plate centennial plate fee shall be deposited in the motor vehicle fund.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director ~~((upon which form it shall be required that the owner, if appropriate and in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such)),~~ The application shall be filed with the director or the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of three dollars per plate, whereupon the director, or the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs, year tabs, and when necessary month tabs or a windshield emblem to replace those lost, defaced, or destroyed. For ~~((those))~~ vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140. For ~~((those))~~ vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

Sec. 33. Section 2, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 88, Laws of 1988 and RCW 46.20.021 are each amended to read as follows:

(1) No person, except as expressly exempted by this chapter, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license issued under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser included offense within the offenses described in RCW 46.20.342(1), ~~((46.20.416.))~~ 46.20.420, and 46.65.090.

(2) No person shall receive a driver's license unless and until he or she surrenders to the department all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction. The department shall establish a procedure to invalidate the surrendered photograph license and return it to the person. The invalidated license, along with the valid temporary Washington driver's license provided for in RCW 46.20.055(3), shall be accepted as proper identification. The department shall notify the issuing department that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(3) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

Sec. 34. Section 10, chapter 260, Laws of 1981 as last amended by section 1, chapter 17, Laws of 1986 and RCW 46.20.055 are each amended to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person (~~who is at least~~) sixteen years of age or older, holding a valid driver's license, may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant a driver's or motorcyclist's instruction permit.

(a) A driver's instruction permit entitles the permittee while having the permit in immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver. Except as provided in subsection (c) of this subsection, only one additional permit, valid for one year, may be issued.

(b) A motorcyclist's instruction permit entitles the permittee while having the permit in immediate possession to drive a motorcycle upon the public highways for a period of ninety days as provided in RCW 46.20.510(3). Except as provided in subsection (c) of this subsection, only one additional permit, valid for ninety days, may be issued.

(c) The department after investigation may issue a third driver's or motorcyclist's instruction permit when it finds that the permittee is diligently seeking to improve driving proficiency.

(2) The department may waive the examination, except as to eyesight and other potential physical restrictions, for any applicant who is enrolled in either a traffic safety education course as defined by RCW (~~46.81.010(2)~~) 28A.08.010(2) or a course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1) at the time the application is being considered by the department. The department may require proof of registration in such a course as it deems necessary.

(3) The department upon receiving proper application may in its discretion issue a driver's instruction permit (~~(effective for a school semester or other restricted period)~~) to an applicant who is at least fifteen years of age and is enrolled in a traffic safety education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee having the permit in immediate possession to drive a motor vehicle only when an approved instructor or other licensed driver with at least five years of driving experience, is occupying a seat beside the permittee.

(4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in the permittee's immediate possession while driving a motor vehicle, and it shall be invalid when the permittee's license has been issued or for good cause has been refused.

Sec. 35. Section 8, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.091 are each amended to read as follows:

(1) Every application for an instruction permit or for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. Every application for an instruction permit containing a photograph shall be accompanied by a fee of five dollars. The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every such application shall state the full name, date of birth, sex, and Washington residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has heretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and shall state such additional information as the department shall require.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge if the other licensing jurisdiction extends the same privilege to the state of Washington. Otherwise there shall be a reasonable charge for transmittal of the record, the amount to be fixed by the director of the department.

Sec. 36. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 234, Laws of 1985 and RCW 46.20.100 are each amended to read as follows:

The department of licensing shall not consider an application of any minor under the age of eighteen years for a driver's license or the issuance of a motorcycle endorsement for a particular category unless:

(1) The application is also signed by (~~the father or mother of the applicant, otherwise by the~~) a parent or guardian having the custody of such minor, or in the event a minor under the

age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his or her application is also signed by the minor's employer; and

(2) The applicant has satisfactorily completed a traffic safety education course as defined in RCW ~~((46.01.010))~~ 28A.08.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the applicant has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an applicant was unable to take or complete a driver education course waive that requirement if the applicant shows to the satisfaction of the department that a need exists for the applicant to operate a motor vehicle and he or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. For a person under the age of eighteen years to obtain a motorcycle endorsement, he or she must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

The department may waive any education requirement under this subsection for an applicant previously licensed to drive a motor vehicle or motorcycle outside this state if the applicant provides proof satisfactory to the department that he or she has had education equivalent to that required under this subsection.

Sec. 37. Section 5, chapter 155, Laws of 1969 ex. sess. as last amended by section 1, chapter 22, Laws of 1981 and RCW 46.20.118 are each amended to read as follows:

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW ~~((46.20.115))~~ 46.20.070 through 46.20.119. ~~((The negative file shall become a part of the driver record file maintained by the department.))~~ Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity. The department may also provide a print to the driver's next of kin in the event the driver is deceased.

Sec. 38. Section 6, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.119 are each amended to read as follows:

The rules and regulations adopted pursuant to RCW ~~((46.20.115))~~ 46.20.070 through 46.20.119 shall be reasonable in view of the purposes to be served by RCW ~~((46.20.115))~~ 46.20.070 through 46.20.119.

Sec. 39. Section 46.20.130, chapter 12, Laws of 1961 as last amended by section 4, chapter 245, Laws of 1981 and RCW 46.20.130 are each amended to read as follows:

The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include but is not limited to:

(1) A test of the applicant's eyesight and ~~((his))~~ ability to see, understand, and follow highway signs regulating, warning, and directing traffic;

(2) A test of the applicant's knowledge of traffic laws and ~~((his))~~ ability to understand and follow the directives of lawful authority, ~~((given in the English language.))~~ orally or graphically, that regulate, warn, and direct traffic in accordance with the traffic laws of this state;

(3) An actual demonstration of ~~((his))~~ the applicant's ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(4) Such further examination as the director deems necessary (a) to determine whether any facts exist which would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21, and 46.29 RCW, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways; and

(5) In addition to the foregoing, when the applicant desires to drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332, the applicant shall also demonstrate ~~((his))~~ the ability to operate such motorcycle or motor-driven cycle in such a manner as not to jeopardize the safety of persons or property.

Sec. 40. Section 11, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 245, Laws of 1981 and RCW 46.20.161 are each amended to read as follows:

The department, upon receipt of a fee of fourteen dollars, which includes the fee for the required photograph, shall issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, Washington residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license ~~((shall be))~~ is valid until it has been so signed by the licensee.

Sec. 41. Section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 245, Laws of 1981 and RCW 46.20.181 are each amended to read as follows:

Every driver's license ~~((shall))~~ expires on the fourth anniversary of the licensee's birthdate following the issuance of ~~((such))~~ the license ~~((PROVIDED, That during the period July 1, 1981,~~

~~through and including June 30, 1983, the department shall implement a system of staggering the renewal periods of currently licensed drivers so as to make approximately one-half of such renewals for a two-year period and the other one-half for a four-year period). Every such license ((shall be)) is renewable on or before its expiration upon application prescribed by the department and the payment of a fee of fourteen dollars((~~or of seven dollars in the case of those being renewed for only two years. These fees~~)). This fee includes the fee for the required photograph.~~

Sec. 42. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 5, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that three or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence ((s)) or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

Sec. 43. Section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 407, Laws of 1985 and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

- (1) For vehicular homicide the period of revocation shall be two years;
- (2) Vehicular assault;
- (3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders ~~(him)~~ the driver incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;
- (4) Any felony in the commission of which a motor vehicle is used;
- (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;
- (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;
- (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 44. Section 10, chapter 167, Laws of 1967 as last amended by section 9, chapter 61, Laws of 1979 and RCW 46.20.293 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and ~~((13-04-278))~~ 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against ~~((said))~~ the person and shall collect for ~~((said))~~ the copy a fee of ~~((one))~~ four dollars and fifty cents to be deposited in the highway safety fund.

Sec. 45. Section 9, chapter 148, Laws of 1988 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in effect ~~((and the department shall not issue to the person any new, duplicate, or renewal license))~~ until the person ~~((pays a reinstatement fee of twenty dollars and))~~ gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the ~~((reinstatement))~~ reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date ~~((on which the revoked license was surrendered to and received by the department))~~ the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308; or (f) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a ~~((reinstatement))~~ reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the ~~((reinstatement))~~ reissue fee shall be fifty dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor

vehicle on the public highways. (~~A resident without a license or permit whose license or permit was revoked under RCW 46.20.306(6) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.~~)

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the (~~suspension shall remain in effect and the~~) department shall not issue to the person any new or renewal license until the person pays a (~~reinstatement~~) reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the (~~reinstatement~~) reissue fee shall be fifty dollars.

Sec. 46. Section 33, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.326 are each amended to read as follows:

Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in RCW 46.20.322 and 46.20.323 or failure to request a driver improvement interview within ten days as provided in (~~section 33 of this 1965 amendatory act shall~~) RCW 46.20.325 constitutes a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose privilege to drive may be affected, or at its own option, re-open the case, take evidence, change or set aside any order theretofore made, or grant a driver improvement interview.

Sec. 47. Section 3, chapter 148, Laws of 1980 as last amended by section 1, chapter 388, Laws of 1987 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status or when his or her privilege so to do is suspended or revoked in this or any other state or when his or her policy of insurance or bond, when required under this title, has been canceled or terminated, is guilty of a gross misdemeanor, except that any person who has a valid Washington driver's license is not guilty of a violation of this section. Upon the first conviction for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent such conviction, the person shall be punished by imprisonment for not less than one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) Except as otherwise provided in this subsection, upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license or privilege of the person is under suspension, the department shall extend the period of the suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored. The department shall not so extend the period of suspension or revocation if the court recommends against the extension and:

(a) The convicted person has obtained a valid driver's license; or

(b) The department determines that the convicted person has demonstrated proof of future financial responsibility as provided for in chapter 46.29 RCW, and, if the suspension or revocation was the result of a violation of RCW 46.61.502 or 46.61.504, that the person is making satisfactory progress in any required alcoholism treatment program.

Sec. 48. Section 1, chapter 5, Laws of 1973 as last amended by section 5, chapter 407, Laws of 1985 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter (~~who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory~~) or any nonresident granted the privilege of driving a motor vehicle on the highways of this state, whose driver's license or driving privilege has been suspended or revoked, other than for vehicular homicide (~~or~~), vehicular assault, or for a physical or mental disability that would affect that person's ability to operate a motor vehicle with safety upon the highways, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may (~~petition~~) apply for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present ~~((conviction))~~ suspension or revocation, the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present ~~((conviction))~~ suspension or revocation, the applicant has not been convicted of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 49. Section 6, chapter 1, Laws of 1969 and RCW 46.20.911 are each amended to read as follows:

If any provision of RCW ~~((46.20.092;))~~ 46.20.308, 46.20.311, and 46.61.506 or its application to any person or circumstance is held invalid, the remainder of RCW ~~((46.20.092;))~~ 46.20.308, 46.20.311, and 46.61.506, or the application of the provision to other persons or circumstances is not affected.

Sec. 50. Section 14, chapter 178, Laws of 1989 and RCW 46.25.120 are each amended to read as follows:

(1) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to take a test or tests of that person's blood or breath for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(2) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system.

(3) The law enforcement officer requesting the test under subsection (1) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person being disqualified from operating a commercial motor vehicle under RCW 46.25.090.

(4) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.04 or more, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (1) of this section and that the person refused to submit to testing, or submitted to a test that disclosed an alcohol concentration of 0.04 or more.

(5) Upon receipt of the sworn report of a law enforcement officer under subsection (4) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090, subject to the hearing provisions of RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle within this state while ~~((under the influence of alcohol or any drug; whether the person was placed under arrest))~~ having alcohol in the person's system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the disqualification of the person from driving a commercial motor vehicle, and, if the test was administered, whether the results indicated an alcoholic concentration in that person's blood of 0.04 percent or more. The department shall order that the disqualification of the person either be rescinded or sustained. Any decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the disqualification of the person is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of arrest to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

Sec. 51. Section 11, chapter 169, Laws of 1963 as last amended by section 1, chapter 378, Laws of 1987 and RCW 46.29.110 are each amended to read as follows:

~~((in the event that any))~~ If a person required to deposit security under this chapter fails to deposit such security within ~~((thirty))~~ sixty days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

(1) The driver's license of each driver in any manner involved in the accident;

(2) The driver's license of the owner of each vehicle of a type subject to registration under the laws of this state involved in ~~((such))~~ the accident;

(3) If the driver or owner is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state((:)).

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security except as otherwise provided under succeeding sections of this chapter.

Sec. 52. Section 33, chapter 169, Laws of 1963 as last amended by section 3, chapter 44, Laws of 1969 ex. sess. and RCW 46.29.330 are each amended to read as follows:

The department upon receipt of the certificates provided for by RCW 46.29.310, on a form provided by the department, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, except as (~~hereinafter~~) otherwise provided in (~~this section or in other sections of~~) this chapter.

~~((When the certificates transmitted to the department under RCW 46.29.310 indicate that a default judgment has been entered against the defendant but do not indicate clearly that service of summons was on the person of the defendant, then the department shall promptly notify the defendant by first class mail addressed to the address in the department's records under RCW 46.20.205 (if a nonresident, then to the comparable record in his home state) that within twenty-five days of the mailing date, which shall be indicated on the notice, he may request a hearing on the question of the suspension of his license or nonresident driving privilege. If the defendant does not make a timely request for a hearing, then the suspension shall be forthwith executed. Should a hearing be timely requested, then the department shall convene a hearing in conformity with chapter 34.04 RCW, as now law or hereafter amended. The defendant's license or nonresident driving privilege shall not be suspended if at such hearing he overcomes the following presumptions:~~

~~(a) That he received actual and timely notice of the suit against him;~~

~~(b) That he would have received actual and timely notice had he conformed to the provisions of RCW 46.20.205;~~

~~(c) That he would have received actual and timely notice had he not thwarted the attempt or attempts to so notify him;))~~

Sec. 53. Section 43, chapter 169, Laws of 1963 as last amended by section 1, chapter 371, Laws of 1987 and RCW 46.29.430 are each amended to read as follows:

~~((in the event that any)) If a person required to give proof of financial responsibility under RCW 46.29.420 fails to give such proof within ((twenty)) sixty days after the department has sent notice as hereinbefore provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's driving privilege of ((such)) the person.~~

Sec. 54. Section 61, chapter 169, Laws of 1963 and RCW 46.29.610 are each amended to read as follows:

(1) Any person whose license shall have been suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall immediately return ~~((his))~~ the license to the department. ~~((if any person shall fail to return to the department the license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department;))~~

(2) Any person willfully failing to return ~~((a))~~ a license as required in ~~((paragraph))~~ sub-section (1) of this section ~~((shall be))~~ is guilty of a misdemeanor.

Sec. 55. Section 4, chapter 232, Laws of 1967 as last amended by section 732, chapter 330, Laws of 1987 and by section 1, chapter 454, Laws of 1987 and RCW 46.37.530 are each reenacted and amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle ~~((PROVIDED, That))~~. However, mirrors ~~((shall))~~ are not ((be)) required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage ~~((PROVIDED FURTHER, That))~~, and no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person under the age of eighteen years to operate or ride upon a motorcycle or motor-driven cycle on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the ~~((commission on equipment))~~ state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol (~~(is hereby authorized and empowered to)~~) may adopt and amend rules, pursuant to the Administrative Procedure Act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

Sec. 56. Section 46.56.135, chapter 12, Laws of 1961 as last amended by section 1, chapter 89, Laws of 1986 and RCW 46.61.655 are each amended to read as follows:

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon (~~(be by))~~) by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The (~~legislative transportation committee shall monitor the effects of subsections (2) through (4) of this section after June 11, 1986, until January 1, 1987, to determine if modifications to this section are necessary.~~)

(~~6~~) ~~The commission on equipment~~) state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(~~(7)~~) (6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

Sec. 57. Section 2, chapter 151, Laws of 1961 and RCW 46.61.685 are each amended to read as follows:

It (~~shall be~~) is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended (~~therein~~) in the vehicle.

Any person violating the provisions of this section (~~shall be~~) is guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of (~~the provisions of~~) this section, the (~~court~~) department shall(~~in addition to such fine or imprisonment as provided by law~~;) revoke the operator's license of such person.

Sec. 58. Section 1, chapter 152, Laws of 1986 and RCW 46.61.688 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(5) (~~During the period from June 11, 1986, to January 1, 1987, a person violating this section may be issued a written warning of the violation. After January 1, 1987,)~~) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding

that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The ~~((commission on equipment))~~ state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

Sec. 59. Section 3, chapter 186, Laws of 1986 as amended by section 2, chapter 181, Laws of 1987, section 55, chapter 244, Laws of 1987, section 6, chapter 247, Laws of 1987, and by section 11, chapter 388, Laws of 1987 and RCW 46.63.020 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) ~~((RCW 46.16.160 relating to vehicle trip permits;~~

~~(8)))~~ RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) ~~((RCW 46.20.416 relating to driving while in a suspended or revoked status;~~

~~(15)))~~ RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((16)))~~ (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

~~((17)))~~ (16) Chapter 46.29 RCW relating to financial responsibility;

~~((18)))~~ (17) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((19)))~~ (18) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((20)))~~ (19) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((21)))~~ (20) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((22)))~~ (21) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((23)))~~ (22) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((24)))~~ (23) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

~~((25)))~~ (24) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((26)))~~ (25) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((27)))~~ (26) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((28)))~~ (27) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((29)))~~ (28) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((30)))~~ (29) RCW 46.61.500 relating to reckless driving;

~~((31)))~~ (30) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

((32)) (31) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

((33)) (32) RCW 46.61.522 relating to vehicular assault;

((34)) (33) RCW 46.61.525 relating to negligent driving;

((35)) (34) RCW 46.61.530 relating to racing of vehicles on highways;

((36)) (35) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

((37)) (36) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

((38)) (37) RCW 46.64.020 relating to nonappearance after a written promise;

((39)) (38) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

((40)) (39) Chapter 46.65 RCW relating to habitual traffic offenders;

((41)) (40) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

((42)) (41) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

((43)) (42) Chapter 46.80 RCW relating to motor vehicle wreckers;

((44)) (43) Chapter 46.82 RCW relating to driver's training schools;

((45)) (44) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

((46)) (45) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 60. Section 46.56.210, chapter 12, Laws of 1961 and RCW 46.64.048 are each amended to read as follows:

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or willfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of such offense.

Sec. 61. Section 46.64.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 38, Laws of 1988 and RCW 46.64.020 are each amended to read as follows:

(1) The legislature finds that:

(a) Traffic laws are necessary for the safe and expeditious flow of motor vehicle traffic.

(b) For traffic laws to be effective, they must be judiciously and fairly enforced. This enforcement includes the issuance of notices of infraction and citations and the assessment of fines and penalties.

(c) The adjudication of notices of infraction through a written and signed promise to respond, and of citations through a written and signed promise to appear, as provided in this title is an integral and important part of the traffic law system.

(d) Approximately twenty percent of all people issued notices of infraction and citations violate their written and signed promise to respond or appear and obtain notices of failure to respond or appear on their driving records. Through their actions, these people are destroying the effectiveness of the traffic law system and undermining the department of licensing regulatory control of drivers' licenses.

(e) Notices of failure to respond or appear accumulated on a person's driving record shall be considered if they were issued after July 25, 1987.

(2) Any person violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of traffic infraction, as provided in this title, is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested or the disposition of the notice of infraction: PROVIDED, That a written promise to appear in court or a written promise to respond to a notice of traffic infraction may be complied with by an appearance by counsel: PROVIDED FURTHER, That a person charged under RCW 46.20.021 with driving with an expired driver's license may respond by mailing to the court within fifteen days of the violation, a copy of the person's currently valid driver's license. Any person who has been issued a notice of infraction pursuant to RCW 46.63.030(3) and who fails to respond as provided in this title is guilty of a misdemeanor regardless of the disposition of the notice of infraction.

(3) Any person who drives a motor vehicle within the state and has accumulated two or more notices of failure to appear or respond on his or her driving record maintained by the department of licensing in any five-year period as a result of noncompliance with the traffic (~~infraction~~) laws in any jurisdiction or court within Washington, or in any jurisdiction or court within other states which are signatories with Washington in a nonresident violator compact or reciprocal agreement under chapter 46.23 RCW, shall be guilty of failure to comply, a gross misdemeanor. A person is not subject to this subsection for failure to pay a fine for any pedestrian, bicycling, or parking offense.

Probable cause for arrest under this subsection is established by the officer obtaining, orally or in writing, information from the department of licensing that two or more notices of

failure to appear or respond are on the person's driving record. For purposes of this chapter, failure to satisfy any penalties imposed under this title is considered equivalent to failure to appear or respond.

Venue for prosecution shall be in the court with jurisdiction in the area of apprehension.

Sec. 62. Section 9, chapter 284, Laws of 1971 ex. sess. as amended by section 4, chapter 62, Laws of 1979 and RCW 46.65.070 are each amended to read as follows:

No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of five years from the date of the license revocation except as provided in RCW 46.65.080, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of licensing as ~~((hereinafter))~~ provided in this chapter ~~((provided))~~.

Sec. 63. Section 6, chapter 241, Laws of 1986 and RCW 46.70.029 are each amended to read as follows:

Listing dealers shall transact dealer business by obtaining a ~~((consignment))~~ listing agreement for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. Where title has been delivered to the purchaser, the listing dealer shall pay the amount due a seller within ten days after the sale of a listed mobile home. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed. The sale of listed mobile homes imposes the same duty under RCW 46.12.120 on the listing dealer as any other sale.

Sec. 64. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 8, chapter 241, Laws of 1986 and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer license shall contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(j) A certificate by ~~((the chief of police or his deputy, or a member of the Washington state patrol or))~~ a representative of the department, that the applicant's principal place of business and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established ~~((in no event may the certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons))~~;

(k) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, or to advertise new or current-model vehicles with factory or distributor warranties;

(l) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, and which classification or classifications the dealer wishes to be designated as;

(m) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 65. Section 13, chapter 74, Laws of 1967 ex. sess. as last amended by section 10, chapter 241, Laws of 1986 and RCW 46.70.061 are each amended to read as follows:

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Five hundred dollars;

(b) Vehicle dealers, each subagency: Fifty dollars; temporary subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Two hundred fifty dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license classification issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 66. Section 10, chapter 74, Laws of 1967 ex. sess. as last amended by section 12, chapter 241, Laws of 1986 and RCW 46.70.083 are each amended to read as follows:

The license of a vehicle dealer or a vehicle manufacturer expires on the date ~~((assigned by the director, and))~~ that is twelve consecutive months from the date of issuance. The license may be renewed by filing with the department prior to the expiration ((thereof and)) of the license, a renewal application containing such information as the department may require to indicate any material change in the information contained in the original application.

~~((Before renewal:))~~ The dealer's established place of business shall be certified by a representative of the department ((- the chief of police or his deputy, or a member of the Washington state patrol)) at least once every thirty-two months, or more frequently as determined necessary by the department. The certification ((shall)) will verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply at any time is grounds for license suspension or revocation, denial of the renewal application, or monetary assessment.

Sec. 67. Section 2, chapter 109, Laws of 1985 and RCW 46.70.085 are each amended to read as follows:

Notwithstanding any provision of law to the contrary, the director may extend or diminish licensing periods of dealers~~((:))~~ and manufacturers~~((-and salespersons))~~ for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW.

Sec. 68. Section 46.76.040, chapter 12, Laws of 1961 and RCW 46.76.040 are each amended to read as follows:

The fee for an original transporter's license ~~((shall be))~~ is twenty-five dollars. Transporter license number plates bearing an appropriate symbol and serial number shall be attached to all vehicles being delivered in the conduct of the business licensed under ~~((the provisions hereof such))~~ this chapter. The plates may be obtained for a fee of two dollars for each set. ((New plates must be procured with each annual renewal:))

Sec. 69, Section 1, chapter 110, Laws of 1971 ex. sess. as last amended by section 2, chapter 142, Laws of 1983 and RCW 46.79.010 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context indicates otherwise.

(1) ~~("Abandoned vehicle" means any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.~~

~~(2) "Abandoned automobile hulk" means the abandoned remnant, major component part, or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of parts or mechanisms and the application of a substantial amount of labor to effect repairs.~~

~~(3)) "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:~~

~~(a) Is three years old or older;~~

~~(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;~~

~~(c) Is apparently inoperable;~~

~~(d) Is without a valid, current registration plate;~~

~~(e) Has a fair market value equal only to the value of the scrap in it.~~

~~(2) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.~~

~~((4)) (3) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.~~

~~((5)) (4) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell second-hand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed motor vehicle wrecker or disposed of at a public facility for waste disposal.~~

~~((6)) (5) "Director" means the director of licensing.~~

~~((7)) (6) "Major component parts" include engines and short blocks, frames, transmissions or transfer cases, cabs, doors, front or rear differentials, front or rear clips, quarter panels or fenders, bumpers, truck beds or boxes, seats, and hoods.~~

Sec. 70, Section 2, chapter 110, Laws of 1971 ex. sess. as last amended by section 1, chapter 62, Laws of 1987 and RCW 46.79.020 are each amended to read as follows:

Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk (~~abandoned~~) vehicle (~~hulk~~) whether such (~~hulk~~) vehicle is from in state or out of state, to a scrap processor upon obtaining the certificate of title or release of interest from the owner or an affidavit of sale from the landowner who has complied with RCW 46.55.230. The scrap processor shall forward such document(s) to the department, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Prepare vehicles and vehicle salvage for transportation and delivery to a scrap processor or vehicle wrecker only by removing the following vehicle parts:

(a) Gas tanks;

(b) Vehicle seats containing springs;

(c) Tires;

(d) Wheels;

(e) Scrap batteries;

(f) Scrap radiators.

Such parts may not be removed if they will be accepted by a scrap processor or wrecker. Such parts may be removed only at a properly zoned location, and all preparation activity, vehicles, and vehicle parts shall be obscured from public view. Storage is limited to two vehicles or the parts thereof which are authorized by this subsection, and any such storage may take place only at a properly zoned location. Any vehicle parts removed under the authority of this subsection shall be lawfully disposed of at or through a public facility or service for waste disposal or by sale to a licensed motor vehicle wrecker.

Sec. 71, Section 7, chapter 110, Laws of 1971 ex. sess. as amended by section 5, chapter 142, Laws of 1983 and RCW 46.79.070 are each amended to read as follows:

The director may by order pursuant to the provisions of chapter 34.05 RCW, deny, suspend, or revoke the license of any hulk hauler or scrap processor or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed five hundred dollars per violation, whenever the director finds that the applicant or licensee:

(1) Removed a vehicle or vehicle major component part from property without obtaining both the written permission of the property owner and documentation approved by the department for acquiring vehicles. (~~(abandoned vehicle hulks)~~) junk vehicles, or major component parts thereof;

(2) Acquired, disposed of, or possessed a vehicle or major component part thereof when he or she knew that such vehicle or part had been stolen or appropriated without the consent of the owner;

(3) Sold, bought, received, concealed, had in his or her possession, or disposed of a vehicle or major component part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(4) Committed forgery or made any material misrepresentation on any document relating to the acquisition, disposition, registration, titling, or licensing of a vehicle pursuant to Title 46 RCW;

(5) Committed any dishonest act or omission which has caused loss or serious inconvenience as a result of the acquisition or disposition of a vehicle or any major component part thereof;

(6) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

(7) Been authorized to remove a particular vehicle or vehicles and failed to take all remnants and debris from those vehicles from that area unless requested not to do so by the person authorizing the removal;

(8) Removed parts from a vehicle at other than an approved location or removed or sold parts or vehicles beyond the scope authorized by this chapter or any rule adopted hereunder;

(9) Been adjudged guilty of a crime which directly relates to the business of a hulk hauler or scrap processor and the time elapsed since the adjudication is less than five years. For the purposes of this section adjudged guilty means, in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(10) Been the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid.

Sec. 72. Section 46.80.030, chapter 12, Laws of 1961 as last amended by section 193, chapter 158, Laws of 1979 and RCW 46.80.030 are each amended to read as follows:

Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of licensing, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant (~~(has been complying with the provisions of)~~) is in compliance with this chapter (~~(as now or hereafter amended)~~); and the provisions of Title 46 RCW, relating to registration and certificates of title: PROVIDED, That the above certifications in any instance can be made by an authorized representative of the department of licensing;

(4) Any other information that the department may require.

Sec. 73. Section 14, chapter 51, Laws of 1979 ex. sess. and RCW 46.82.410 are each amended to read as follows:

All moneys collected from driver training school licenses and instructor licenses shall be deposited in the (~~(general)~~) highway safety fund.

NEW SECTION. Sec. 74. A new section is added to chapter 46.87 RCW to read as follows:

Owners of rental trailers and semitrailers over six thousand pounds gross vehicle weight, and converter gears used solely in pool fleets shall fully register a portion of the pool fleet in this state. To determine the percentage of total fleet vehicles that must be registered in this state, divide the gross revenue received in the preceding year for the use of the rental vehicles arising from rental transactions occurring in this state by the total revenue received in the preceding year for the use of the rental vehicles arising from rental transactions in all jurisdictions in which the vehicles are operated. Apply the resulting percentage to the total number of

vehicles that shall be registered in this state. Vehicles registered in this state shall be representative of the vehicles in the fleet according to age, size, and value.

Sec. 75. Section 17, chapter 244, Laws of 1987 and RCW 46.87.025 are each amended to read as follows:

All vehicles being added to an existing Washington-based fleet or those vehicles that make up a new Washington-based fleet shall be titled in the name of the ((fleet)) owner at time of registration, or evidence of filing application for title for such vehicles in the name of the owner shall accompany the application for proportional registration.

Sec. 76. Section 25, chapter 244, Laws of 1987 and RCW 46.87.120 are each amended to read as follows:

(1) The initial application for proportional registration of a fleet shall state the mileage data with respect to the fleet for the preceding year in this and other jurisdictions. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in each of the jurisdictions in which operation is contemplated. The registrant shall determine the in-jurisdiction and total miles to be used in computing the fees and taxes due for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to its correctness.

(2) When the nonmotor vehicles of a fleet are operated in jurisdictions in addition to those in which the motor vehicles of the fleet are operated, or when the nonmotor vehicles of a fleet are operated with motor vehicles that are not part of the fleet, the registrant shall place such nonmotor vehicles in a separate fleet.

(3) In instances where the use of mileage accumulated by a nonmotor vehicle fleet is impractical, for the purpose of calculating prorate percentages, the registrant may request another method or unit of measure, or both, to be used in determining the prorate percentages. Upon receiving the request, the department may prescribe another method or unit of measure, or both, to be used in lieu of mileage that will ensure each jurisdiction that requires the registration of nonmotor vehicles its fair share of vehicle licensing fees and taxes.

(4) When operations of a Washington-based fleet is materially changed through merger, acquisition, or extended authority, the registrant shall notify the department, which shall then require the filing of an amended application setting forth the proposed operation by use of estimated mileage for all jurisdictions. The department may adjust the estimated mileage by audit or otherwise to an actual travel basis to insure proper fee payment. The actual travel basis may be used for determination of fee payments until such time as a normal mileage year is available under the new operation. Under the provisions of the Western Compact, this subsection applies to any fleet proportionally registered in Washington irrespective of the fleet's base jurisdiction.

Sec. 77. Section 40, chapter 244, Laws of 1987 and RCW 46.87.270 are each amended to read as follows:

Every Washington-based motor vehicle registered under this chapter shall have the maximum gross weight or maximum combined gross weight for which the vehicle is licensed in this state, painted or stenciled in letters or numbers of contrasting color not less than two inches in height in a conspicuous place on the right and left sides of the vehicle. It is unlawful for the owner or operator of any motor vehicle to display a maximum gross weight or maximum combined gross weight other than that shown on the current cab card of the vehicle.

Sec. 78. Section 1, chapter 19, Laws of 1985 as last amended by section 1, chapter 24, Laws of 1988 and RCW 46.90.300 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.260, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, 46.12.380, 46.16.010, 46.16.011, 46.16.025, 46.16.028, 46.16.030, 46.16.088, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.381, 46.16.390, 46.16.500, 46.16.505, 46.16.710, 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.394, 46.20.410, ((46.20.416)) 46.20.420, 46.20.430, 46.20.435, 46.20.440, 46.20.500, 46.20.510, 46.20.550, ((46.20.599)) 46.20.750, 46.29.605, 46.29.625, 46.32.060, 46.32.070, 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.100, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180,

46.48.170, 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, 46.52.100, 46.65.090, 46.79.120, and 46.80.010.

Sec. 79. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 174, Laws of 1987 and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW for any designated fiscal period, whether or not such amounts are actually received by the department of licensing. The phrase does not include fines or penalties assessed for violations;

(16) "Fiscal year" means a twelve-month period ending June 30th;

(17) "State personal income" means the dollar amount published as total personal income of persons in the state for the calendar year by the United States department of commerce or its successor agency;

(18) "State personal income ratio" for any calendar year means that ratio expressed in percentage terms that is the sum of one hundred percent, plus seventy percent of the percentage increase or decrease in state personal income for the calendar year under consideration as compared to state personal income for the immediately preceding calendar year;

(19) "Motor vehicle fund revenue" means all state taxes, fees, and penalties deposited in the motor vehicle fund and all other state revenue required by statute to be deposited in the motor vehicle fund, but does not include (a) moneys derived from nonfuel tax sources which are deposited directly in the several accounts, (b) interest deposited directly in the several accounts within the motor vehicle fund, (c) federal funds, (d) proceeds from the sale of bonds, or (e) reimbursements to the motor vehicle fund for services performed by the department of transportation for others;

(20) "Alcohol" means alcohol that is produced from renewable resources (~~and is produced in this state or in a state that extends a tax exemption or credit for the sale of alcohol produced in this state for use in motor vehicle fuel that is at least equal to a tax exemption or credit for the sale of alcohol produced in the other state for use in motor vehicle fuel~~);

(21) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

Sec. 80. Section 82.36.190, chapter 15, Laws of 1961 and RCW 82.36.190 are each amended to read as follows:

The ~~((director))~~ department shall revoke the license of any distributor refusing or neglecting to comply with any provision of this chapter. The ~~((director))~~ department shall mail by registered mail addressed to such distributor at his last known address a notice of intention to cancel, which notice shall give the reason for cancellation. The cancellation shall become effective without further notice if within ten days from the mailing of the notice the distributor has not made good his default or delinquency.

The ~~((director))~~ department may cancel any license issued to any distributor, such cancellation to become effective sixty days from the date of receipt of the written request of such distributor for cancellation thereof, and the ~~((director))~~ department may cancel the license of any distributor upon investigation and sixty days notice mailed to the last known address of such distributor if ~~((he))~~ the department ascertains and finds that the person to whom the license was issued is no longer engaged in the business of a distributor, and has not been so engaged for the period of six months prior to such cancellation. No license shall be canceled upon the request of any distributor unless the distributor, prior to the date of such cancellation, pays to the state all taxes imposed by the provisions of this chapter, together with all penalties accruing by reason of any failure on the part of the distributor to make accurate reports or pay said taxes and penalties.

In the event the license of any distributor is canceled ~~((by the director))~~, and in the further event that the distributor pays to the state all excise taxes due and payable by him upon the receipt, sale, or use of motor vehicle fuel, together with any and all penalties accruing by reason of any failure on the part of the distributor to make accurate reports or pay said taxes and penalties, the ~~((director))~~ department shall cancel the bond filed by the distributor.

Sec. 81. Section 5, chapter 175, Laws of 1971 ex. sess. as amended by section 2, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.040 are each amended to read as follows:

~~((The department may issue written authorization to a special fuel user to purchase fuel from a bonded special fuel dealer designated by the special fuel user without payment of the tax to the bonded special fuel dealer when the department finds (1) that the special fuel user consistently is using the fuel in vehicles which are operated partly without this state or off the highways of this state; (2) that to require collection of the tax from the special fuel user by the bonded special fuel dealer would cause consistently recurring overpayments of the tax; and (3) that the revenue of the state with respect to the tax liability of such a special fuel user is adequately secured. Such authorization may be revoked when any one of the above conditions no longer obtains.))~~ The delivery of special fuel may be made without collecting the tax otherwise imposed when deliveries are made into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks, on invoices showing the vehicle unit or license number and such other information as may be prescribed by the department.

Sec. 82. Section 6, chapter 175, Laws of 1971 ex. sess. as amended by section 1, chapter 242, Laws of 1983 and RCW 82.38.050 are each amended to read as follows:

Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to ~~((him))~~ the user for ~~((more than))~~ thirty days or more and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state: PROVIDED, That a lessor who is engaged regularly in the business of leasing or renting for compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special fuel user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued a license as a special fuel user when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he or she is the lessee from ~~((his))~~ reports and liabilities pursuant to this chapter, but only if the motor vehicles in question have been leased from a lessor holding a valid special fuel user's license.

Every such lessor shall file with ~~((his))~~ the application for a special fuel user's license one copy of the lease form or service contract ~~((he))~~ the lessor enters into with the various lessees of ~~((his))~~ the lessor's motor vehicles. When the special fuel user's license has been secured, such lessor shall make and assign to each motor vehicle ~~((he leases))~~ leased for interstate operation a photocopy of such license to be carried in the cab compartment of ~~((said))~~ the motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of ~~((said))~~ the license issued and its return to ~~((him))~~ the lessor with the motor vehicle to which it is assigned.

The lessor shall be responsible for fuel tax licensing and reporting, as required by this chapter, on the operation of all motor vehicles leased to others for less than thirty days ~~((or less))~~.

Sec. 83. Section 8, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.070 are each amended to read as follows:

A special fuel dealer shall be entitled, under rules and regulations prescribed by the department, to a credit of the tax paid over to the department on those sales of special fuel for which the dealer has received no consideration from or on behalf of the purchaser, which have been declared by the dealer to be worthless accounts receivable, and which have been claimed as bad debts for federal income tax purposes. The amount of the tax refunded shall not exceed the amount of tax imposed by this chapter on such sales (~~less an amount computed by applying the current state retail sales tax rate to the difference between the total purchase price of such sales and the amount of tax imposed on such sales by this chapter~~). If a refund has been granted under this section, any amounts collected for application against the accounts on which such a refund is based shall be reported with the first return filed after such collection, and the amount of refund received by the dealer based upon the collected amount shall be returned to the department. In the event the refund has not been paid, the amount of the refund requested by the dealer shall be adjusted by the department to reflect the decrease in the amount on which the claim is based. The department may require the dealer to submit periodical reports listing accounts which are delinquent for ninety days or more.

Sec. 84. Section 10, chapter 175, Laws of 1971 ex. sess. as last amended by section 2, chapter 29, Laws of 1986 and RCW 82.38.090 are each amended to read as follows:

It shall be unlawful for any person to act as a special fuel dealer, a special fuel supplier or a special fuel user in this state unless such person is the holder of an unanceled special fuel dealer's, a special fuel supplier's or a special fuel user's license issued to him by the department. A special fuel supplier's license authorizes a person to sell special fuel without collecting the special fuel tax to other suppliers and dealers holding valid special fuel licenses.

A special fuel dealer's license authorizes a person to deliver previously untaxed special fuel into the fuel supply tanks of motor vehicles, collect the special fuel tax on behalf of the state at the time of delivery, and remit the taxes collected to the state as provided herein. A licensed special fuel dealer may also deliver untaxed special fuel into bulk storage facilities of a licensed special fuel user without collecting the special fuel tax. Special fuel dealers and suppliers, when making deliveries of special fuel into bulk storage to any person not holding a valid special fuel license must collect the special fuel tax at time of delivery, unless the person to whom the delivery is made is specifically exempted from the tax as provided herein.

A special fuel user's license authorizes a person to purchase special fuel into bulk storage for use in motor vehicles either on or off the public highways of this state without payment of the special fuel tax at time of purchase. Holders of special fuel licenses are all subject to the bonding, reporting, tax payment, and record-keeping provisions of this chapter. All purchases of special fuel by a licensed special fuel user directly into the fuel supply tank of a motor vehicle are subject to the special fuel tax at time of purchase unless (~~the purchaser has specific written authorization from the department as provided in RCW 82.38.040 or~~) the purchase is made from an unattended keylock metered pump, cardtrol, or such similar dispensing devices. Persons utilizing special fuel for heating purposes only are not required to be licensed.

Sec. 85. Section 13, chapter 175, Laws of 1971 ex. sess. as last amended by section 8, chapter 40, Laws of 1979 and RCW 82.38.120 are each amended to read as follows:

Upon receipt and approval of an application and bond (if required), the department shall issue to the applicant a license to act as a special fuel dealer, a special fuel supplier, or a special fuel user: PROVIDED, That the department may refuse to issue a special fuel dealer's license, special fuel supplier's license, or a special fuel user's license to any person (1) who formerly held either type of license which, prior to the time of filing for application, has been revoked for cause; or (2) who is a subterfuge for the real party in interest whose license prior to the time of filing for application, has been revoked for cause; or (3) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a special fuel license revoked for cause; or (4) who has an unsatisfied debt to the state assessed under either chapter 82.36, 82.37, 82.38, or ~~((46.85))~~ 46.87 RCW; or (5) upon other sufficient cause being shown. Before such refusal, the department shall grant the applicant a hearing and shall grant him at least five days written notice of the time and place thereof.

The department shall determine from the information shown in the application or other investigation the kind and class of license to be issued.

All licenses shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. License holders shall reproduce the license by photostat or other method and keep a copy on display for ready inspection at each additional place of business or other place of storage from which special fuel is sold, delivered or used and in each motor vehicle used by the license holder to transport special fuel purchased by him for resale, delivery or use. Every licensed special fuel user operating a motor vehicle registered in a jurisdiction other than this state shall reproduce the license and carry a photocopy thereof with each motor vehicle being operated upon the highways of this state.

A special fuel dealer or a special fuel supplier may use special fuel in motor vehicles owned or operated by them without securing a license as a special fuel user but they shall be subject to all other conditions, requirements and liabilities imposed herein upon a special fuel user.

The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.

Each special fuel dealer's license, special fuel supplier's license, and special fuel user's license shall be valid until the expiration date if shown on the license, or until suspended or revoked for cause or otherwise canceled.

No special fuel dealer's license, special fuel supplier's license, or special fuel user's license shall be transferable.

NEW SECTION, Sec. 86. The following acts or parts of acts are each repealed:

(1) Section 19, chapter 121, Laws of 1965 ex. sess., section 55, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.171;

(2) Section 3, chapter 29, Laws of 1975-'76 2nd ex. sess., section 4, chapter 302, Laws of 1985 and RCW 46.20.416;

(3) Section 4, chapter 29, Laws of 1975-'76 2nd ex. sess. and RCW 46.20.418; and

(4) Section 2, chapter 219, Laws of 1984, section 2, chapter 352, Laws of 1985 and RCW 46.20.599.

Sec. 87. Section 1, chapter 22, Laws of 1987 as amended by section 8, chapter 337, Laws of 1989 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, shall revoke the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the

county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) The department shall rescind the revocation of a person's driving privilege under this section upon notification from the court of record that, for the incident upon which the department based its administrative action:

(a) The officer's grounds for believing that the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor were based solely on a nonalcohol or nondrug-related medical condition; and

(b) The person has been found not guilty of driving or being in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug including any drug prescribed for the medical condition. Upon notification from the court of record of a not guilty finding, the department shall expunge the implied consent violation from the person's driving record.

(10) When it has been finally determined under the procedures of this section that a non-resident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 88. Section 31, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.205 are each amended to read as follows:

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles lawfully approaching on said highway.

Sec. 89. Section 12, chapter 380, Laws of 1985 as last amended by section 1, chapter 12, Laws of 1988 and RCW 46.01.140 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of two dollars for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These additional fees, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of two dollars (~~PROVIDED FURTHER, That~~).

(3) If the fee is collected by the state patrol (~~or the department of transportation~~) as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such (~~fitting~~) fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

NEW SECTION. Sec. 90. A new section is added to chapter 88.02 RCW to read as follows:

(1) The department may exempt from compliance with the vessel dealer requirements of this chapter, any person who is engaged in the business of selling in this state at wholesale or retail, human-powered watercraft which is: (a) Under sixteen feet in length; (b) unable to be

powered by propulsion machinery or wind propulsion as designed by the manufacturer; and (c) not designed for use on commonly-used navigable waters.

(2) Any person engaged in the business of selling at wholesale or retail, exempt and non-exempt watercraft under this section shall only be required to comply with the provisions of this chapter in regard to the sale of nonexempt watercraft.

Sec. 91. Section 1, chapter 98, Laws of 1987 and RCW 73.04.115 are each amended to read as follows:

The department shall issue to the surviving spouse of any deceased former prisoner of war described in RCW 73.04.110(2), one set of regular or special license plates for use on a personal passenger vehicle registered to that person.

~~((In order to qualify under this section the surviving spouse must have been married to the deceased former prisoner of war during the period of his or her incarceration.))~~ The plates shall be issued without the payment of any license fees or excise tax on the vehicle. Whenever any person who has been issued license plates under this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular license plates.

NEW SECTION. Sec. 92. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 93. Sections 1 through 9, and 11 through 13 of this act shall take effect on January 1, 1991. Section 10 of this act shall take effect on July 1, 1990."

On page 1, line 2 of the title, after "emblems;" strike the remainder of the title and insert "amending RCW 46.16.350, 10.05.060, 46.01.030, 46.01.090, 46.01.100, 46.04.303, 46.04.304, 46.04.305, 46.04.330, 46.04.580, 46.09.030, 46.09.080, 46.09.140, 46.10.050, 46.10.140, 46.12.070, 46.12.140, 46.12.151, 46.12.181, 46.16.270, 46.20.021, 46.20.055, 46.20.091, 46.20.100, 46.20.118, 46.20.119, 46.20.130, 46.20.161, 46.20.181, 46.20.270, 46.20.285, 46.20.293, 46.20.311, 46.20.326, 46.20.342, 46.20.391, 46.20.911, 46.25.120, 46.29.110, 46.29.330, 46.29.430, 46.29.610, 46.61.655, 46.61.685, 46.61.688, 46.64.048, 46.64.020, 46.65.070, 46.70.029, 46.70.041, 46.70.061, 46.70.083, 46.70.085, 46.76.040, 46.79.010, 46.79.020, 46.79.070, 46.80.030, 46.82.410, 46.87.025, 46.87.120, 46.87.270, 46.90.300, 82.36.010, 82.36.190, 82.38.040, 82.38.050, 82.38.070, 82.38.090, 82.38.120, 46.20.308, 46.61.205, 46.01.140, and 73.04.115; reenacting and amending RCW 46.37.530 and 46.63.020; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.87 RCW; adding a new section to chapter 88.02 RCW; repealing RCW 46.16.310, 46.16.311, 46.16.315, 46.16.320, 46.16.330, 46.16.620, 46.16.625, 46.16.660, 46.20.171, 46.20.416, 46.20.418, and 46.20.599; prescribing penalties; and providing effective dates."

Signed by Senators Patterson, Rasmussen, Thorsness; Representatives R. Fisher, R. Meyers, Schmidt.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 6663 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: 2SHB 2122

Making changes regarding dependency proceedings.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

(1) That the following language on page 19, beginning on line 25 of the Senate Committee on Ways and Means amendments, adopted March 2, 1990, be deleted:

"NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

and (2) That the remainder of the Ways and Means Committee amendments, without Section 12, be adopted.

Signed by Senators Nelson, Niemi, Craswell; Representatives Appelwick, Hargrove, Silver.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Second Substitute House Bill No. 2122 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2122, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2122, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Voting nay: Senator Matson - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2122, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 3:59 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 4:07 p.m. by President Pro Tempore Bluechel.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House refuses to recede, insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6434 and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6434 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6434 and the House amendments thereto: Senators Metcalf, Bender and Sellar.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Owen, the following resolution was adopted:

SENATE RESOLUTION 1990-8750

by Senators Owen, Conner, Rasmussen and Thorsness

WHEREAS, The American Flag is the proudest symbol of patriotism in the United States; and

WHEREAS, The American Flag was first worn on American uniforms during the Torch Landings in French North Africa during World War II, so that natives could recognize that the invaders were actually Americans there to liberate them; and

WHEREAS, The Veterans of Foreign Wars have served our country during war time and also work towards greater patriotism and love of our country during peace time, including the love, appreciation, and respect for our flag; and

WHEREAS, The American Flag has long been worn on the uniforms of law enforcement officers as a demonstration of their respect, love of country, and patriotism; and

WHEREAS, Many law enforcement agencies within our state encourage their officers to proudly wear the flag on their uniforms; and

WHEREAS, There is a tendency among some agencies to stop this practice for no apparent reason;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate believes that law enforcement agencies should encourage their officers to wear the American Flag on their uniforms whenever possible as a symbol of our great country and the freedom and democracy it represents; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to all requesting parties by the Secretary of the Senate in their efforts to encourage these agencies to continue this practice.

At 4:11 p.m., and there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 4:21 p.m. by President Pro Tempore Bluechel.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 2403

Adding video telecommunication responsibilities to the department of information services.

March 5, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate amendments by Senators Thorsness, Gaspard and Madsen, adopted as amended, on March 1, 1990, be adopted and that said amendments be further amended as follows:

On page 7, line 1, after "RCW" strike "43.105.041" and insert "43.104.032"

On page 18, line 11, after "opportunities;" strike "and"

On page 18, line 19, after "resources" insert "; and

(g) The director of the department of information services, or his or her designee.

(3) The committee shall select a chairperson from among its members"

On page 19, line 30, after "apply to" strike "section 15" and insert "sections 15 and 16"

On page 20, beginning on line 14, strike all material through "1991." on page 22, line 29, and insert the following:

NEW SECTION. Sec. 15. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction, in cooperation with the Washington state school directors' association, shall notify all school districts of the study under section 16 of this act. The superintendent of public instruction shall encourage districts not to make a decision on using televised educational programming that includes commercial advertising until the results of the study under section 16 of this act are available.

NEW SECTION. Sec. 16. (1) The superintendent of public instruction shall conduct a study on the implications and impact of commercial promotional activities and commercial sponsorship activities on educational programming and upon the education system generally.

(2) The study shall include:

(a) Districts in Washington that have entered into a contract or agreement that permits, in schools, televised educational programming that includes commercial advertising; and

(b) To the extent possible, districts in other states that pilot-tested or are using televised educational programming in schools that includes commercial advertising.

(3) The study shall include an examination of the impact of such televised educational programming on:

(a) Students', teachers', and administrators' feelings about the value of the programming as part of the social studies curriculum; and

(b) Students', parents', teachers', and administrators' feelings about the appropriateness of required viewing of commercial advertising as part of the televised educational programming.

(4) The superintendent of public instruction shall submit a report to the legislature and to all school districts not later than January 15, 1991. The report shall include findings and recommendations, including policy options relating to allowing, prohibiting, or limiting the use of commercial promotional activities or commercial sponsorship activities in the public school system."

Renumber the remaining section consecutively.

On page 23, line 16 of the title amendment, after "sections;" strike "providing an expiration date;"

Signed by Senators Thorsness, Madsen; Representatives Rector, Todd, McLean.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 2403 was adopted and the committee was granted the powers of Free Conference.

MESSAGES FROM THE HOUSE

March 6, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5013,

SENATE BILL NO. 5169,

SUBSTITUTE SENATE BILL NO. 5300,

SUBSTITUTE SENATE BILL NO. 6195,

SUBSTITUTE SENATE BILL NO. 6221,

SENATE BILL NO. 6304,

SUBSTITUTE SENATE BILL NO. 6330,

SENATE BILL NO. 6370,

SENATE BILL NO. 6399,

SUBSTITUTE SENATE BILL NO. 6474,

SENATE BILL NO. 6528,

SENATE BILL NO. 6571,

SENATE BILL NO. 6574,

SUBSTITUTE SENATE BILL NO. 6575,

SENATE BILL NO. 6577,

SENATE BILL NO. 6583,

SUBSTITUTE SENATE BILL NO. 6681,

SUBSTITUTE SENATE BILL NO. 6698,

SUBSTITUTE SENATE BILL NO. 6701,

SUBSTITUTE SENATE BILL NO. 6726,

SENATE BILL NO. 6727,

SUBSTITUTE SENATE BILL NO. 6729, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 6, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6182,

SECOND SUBSTITUTE SENATE BILL NO. 6310,

SUBSTITUTE SENATE BILL NO. 6560,

SENATE BILL NO. 6652,

SUBSTITUTE SENATE BILL NO. 6668,

SUBSTITUTE SENATE BILL NO. 6700,

SENATE BILL NO. 6741,

SENATE BILL NO. 6822.

SUBSTITUTE SENATE BILL NO. 6827.

SENATE BILL NO. 6839.

SUBSTITUTE SENATE BILL NO. 6859, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

At 4:25 p.m., there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 4:33 p.m. by President Pro Tempore Bluechel.

MOTIONS

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2964 and Engrossed Substitute Senate Bill No. 6799 will remain on the second reading calendar.

On motion of Senator Newhouse, the following bills, which were on the second reading calendar, were returned to the Committee on Rules:

Engrossed Substitute Senate Bill No. 6476,
 House Bill No. 1035,
 Engrossed House Bill No. 1176,
 House Bill No. 1223,
 Engrossed Substitute House Bill No. 1237,
 Substitute House Bill No. 1280,
 Substitute House Bill No. 1375,
 Reengrossed House Bill No. 1433,
 House Bill No. 1570,
 Substitute House Bill No. 1577,
 Engrossed House Bill No. 1596,
 Engrossed House Bill No. 1623,
 Substitute House Bill No. 1669,
 Second Substitute House Bill No. 1911,
 Second Substitute House Bill No. 1978,
 Substitute House Bill No. 2059,
 Second Substitute House Bill No. 2154,
 Second Substitute House Bill No. 2208,
 Engrossed Substitute House Bill No. 2277,
 Substitute House Bill No. 2279,
 House Bill No. 2300,
 House Bill No. 2311,
 Substitute House Bill No. 2320,
 House Bill No. 2333,
 House Bill No. 2341,
 Substitute House Bill No. 2349,
 Engrossed House Bill No. 2404,
 Engrossed House Bill No. 2406,
 Engrossed Substitute House Bill No. 2409,
 Substitute House Bill No. 2416,
 House Bill No. 2417,
 House Bill No. 2424,
 Engrossed House Bill No. 2425,
 House Bill No. 2444,
 Substitute House Bill No. 2446,
 Substitute House Bill No. 2455,
 Engrossed House Bill No. 2460,
 Substitute House Bill No. 2467,
 House Bill No. 2497,
 House Bill No. 2502,
 House Bill No. 2508,
 Substitute House Bill No. 2515,
 Engrossed Substitute House Bill No. 2531,
 Substitute House Bill No. 2536,
 Substitute House Bill No. 2539,

House Bill No. 2550,
 Engrossed House Bill No. 2560,
 Substitute House Bill No. 2591,
 Engrossed House Bill No. 2606,
 Engrossed House Bill No. 2608,
 House Bill No. 2615,
 Engrossed House Bill No. 2617,
 Engrossed House Bill No. 2618,
 Engrossed House Bill No. 2626,
 Engrossed Substitute House Bill No. 2630,
 Engrossed House Bill No. 2636,
 Engrossed Substitute House Bill No. 2653,
 House Bill No. 2654,
 House Bill No. 2663,
 Engrossed House Bill No. 2667,
 House Bill No. 2687,
 Engrossed House Bill No. 2694,
 House Bill No. 2707,
 House Bill No. 2719,
 Engrossed House Bill No. 2722,
 Engrossed Second Substitute House Bill No. 2774,
 Substitute House Bill No. 2915,
 House Bill No. 2937,
 Substitute House Bill No. 2955,
 Engrossed Substitute House Bill No. 2971,
 Substitute House Bill No. 2992,
 Substitute House Bill No. 2996,
 House Bill No. 2997,
 House Bill No. 2998,
 House Joint Memorial No. 4006,
 Engrossed House Joint Memorial No. 4019,
 House Joint Memorial No. 4024,
 Engrossed House Joint Resolution No. 4200,
 Substitute House Concurrent Resolution No. 4429.

At 4:35 p.m., there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 4:58 p.m. by President Pritchard.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1990-8757

by Senators Newhouse, Talmadge and Rasmussen

WHEREAS, The Washington State Senate seeks to recognize and honor outstanding achievements made by Washington's citizens, especially in our national space program; and

WHEREAS, The United States is the recognized international leader in aerospace technology and the pioneer of the space shuttle program; and

WHEREAS, Dr. Bonnie Dunbar, a native of Outlook, Washington, graduate of Sunnyside High School and of the University of Washington, served as a crew member on two successful space shuttle missions; and

WHEREAS, Dr. Bonnie Dunbar has made significant contributions to the space program and to medical research through her participation in ongoing National Aeronautics and Space Administration programs; and

WHEREAS, Dr. Bonnie Dunbar and the Columbia Shuttle crew set the record for the longest shuttle mission in history, retrieving irreplaceable hardware and valuable scientific data;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognize the contributions of Dr. Bonnie Dunbar and honor her commitment to the nation's space program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Dr. Dunbar, to the Governor of the state of Washington, and Mr. and Mrs. Robert Dunbar of Outlook, Washington.

Senator Talmadge spoke to Senate Resolution 1990-8757.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1990-8744

by Senators von Reichbauer, Lee, Talmadge, Warnke and Saling

WHEREAS, Dr. Shirley B. Gordon has been the President of Highline Community College since 1976, and a member of the college's faculty since it was first established in 1961; and

WHEREAS, Dr. Gordon has been recognized as an educational leader in the state of Washington and the nation; and

WHEREAS, Dr. Gordon has served the education community as a science teacher, a university professor, a college administrator and now a college president; and

WHEREAS, In 1981, Dr. Gordon was selected as one of eighteen members to serve on the National Commission on Excellence in Education, a blue-ribbon panel, whose findings and recommendations brought about a revitalization of educational systems throughout the nation; and

WHEREAS, Dr. Gordon is a recipient of the Leadership Medallion Award, which signifies the recognition accorded her by college presidents from across the nation as being one of the best; and

WHEREAS, Dr. Gordon received B.S., M.A. and Ph.D. degrees from Washington State University and a Doctor of Humanities degree, honoris causa, from Seattle University, and has committed countless hours of service to her community on the local boards of Highline Community Hospital, Judson Park Retirement Center, the Sea-Tac Forum, Leadership Tomorrow and the Central Puget Sound Economic Development District; and

WHEREAS, Dr. Shirley B. Gordon plans to retire at the sunset of a distinguished and honorable career of teaching, guiding and counseling today's students and tomorrow's leaders;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognizes the contribution Dr. Shirley B. Gordon has made to our state and honors her integrity and commitment to Washington's educational system; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. Gordon, to the Governor of the state of Washington, and to the Executive Director of the State Board for Community College Education.

Senators Lee and Saling spoke to Senate Resolution 1990-8744.

There being no objection, the President returned the Senate to the fourth order of business.

REPORT OF CONFERENCE COMMITTEE

RE: EHB 2413

Including middle and junior high school students in the mathematics, engineering, and science achievement program.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the following Senate Committee on Ways and Means amendments, adopted on February 28, 1990, be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 265, Laws of 1984 as amended by section 2, chapter 66, Laws of 1989 and RCW 28A.03.432 are each amended to read as follows:

A program to increase the number of people from groups underrepresented in the fields of mathematics, engineering, and the physical sciences in this state shall be established by the University of Washington. The program shall be administered through the University of Washington and designed to:

(1) Encourage students in the targeted groups in the common schools, with a particular emphasis on those students in middle and junior high schools and the ((ninth)) sixth through twelfth grades, to acquire the academic skills needed to study mathematics, engineering, or related sciences at an institution of higher education;

(2) Promote the awareness of career opportunities including the career opportunities of teaching in the fields of science and mathematics and the skills necessary to achieve those opportunities among students sufficiently early in their educational careers to permit and encourage the students to acquire the skills;

(3) Promote cooperation among institutions of higher education, the superintendent of public instruction and local school districts in working towards the goals of the program; and

(4) Solicit contributions of time and resources from public and private institutions of higher education, high schools, middle and junior high schools, and private business and industry.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.*

On page 1, line 1 of the title, after "opportunities," strike the remainder of the title and insert "amending RCW 28A.03.432: and creating a new section."

Signed by Senators Bailey, Stratton, Saling; Representatives Jacobsen, Peery, Wood.

MOTION

On motion of Senator Saling, the Report of the Conference Committee on Engrossed House Bill No. 2413 was adopted.

MOTIONS

On motion of Senator Anderson, Senator Bluechel was excused.

On motion of Senator McMullen, Senator Warnke was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2413, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2413, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Bluechel, Warnke - 2.

ENGROSSED HOUSE BILL NO. 2413, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Anderson, the following resolution was adopted:

SENATE RESOLUTION 1990-8759

by Senators Anderson and Bluechel

WHEREAS, The United States of America and Canada have enjoyed a long and prosperous friendship that is best exemplified in our two nations sharing the world's longest undefended borders; and

WHEREAS, The economies of the United States of America and Canada are intertwined; tens of billions of dollars in international trade annually cross our

mutual border; and this trade will continue to expand as the United States-Canada Free Trade Agreement eliminates border tariffs over the decade; and

WHEREAS, This mutual friendship and cooperation is destined to grow in the future as endeavors such as the Pacific Northwest Legislative Leadership Forum brings together the peoples of Washington, Alaska, Montana, Oregon, Idaho, British Columbia, and Alberta to work on regional issues concerning technology, telecommunication networks, education, training, solid and hazardous waste management, the oceans and environment; and

WHEREAS, Eighty-five percent of British Columbians live within one hundred miles of the United State border; and

WHEREAS, The passage of citizens between Washington State and the Province of British Columbia has risen to historic levels best exemplified by the sixty-six percent increase between 1985, when five and one-half million vehicles crossed into the United States in Whatcom county, Washington, and 1989, when nine million vehicles entered; and

WHEREAS, There are only thirty-nine United States custom inspectors to man the border crossing in Blaine, Washington, twenty-four hours a day, seven days a week for the tens of thousands of Canadians and Americans daily entering the United States in Whatcom County; and

WHEREAS, The average wait to enter the United States is forty-five minutes at peak periods; at most, six of the eight Blaine, Washington, stations can be open due to staffing shortages; Blaine custom inspectors are working an average twenty hours overtime per week; sixteen-hour work days are not uncommon; and there is considerable increased cost to the American taxpayer;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate petitions the Washington State congressional delegation to join it in actively seeking an increase in personnel from the United States Department of Treasury, United States Customs Service, Department of Justice and the Immigration and Naturalization Service for Whatcom County border crossings; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Secretary of the Treasury, Director of the United States Customs Service, Attorney General of the United States, Director of the Immigration and Naturalization Service, and all members of the Washington State congressional delegation.

MOTION

On motion of Senator Madsen, the following resolution was adopted:

SENATE RESOLUTION 1990-8753

by Senators Madsen and Rasmussen

WHEREAS, The Washington State Senate seeks to recognize and honor significant achievements made by Washington's citizens in the world of sports; and

WHEREAS, The Daytona 500 is universally accepted as the most significant stock car race in the United States; and

WHEREAS, Derrike Cope, native of Spanaway, Washington, and son of Donald Cope, former top-fuel drag racer, was a contestant in this year's Daytona 500; and

WHEREAS, On Sunday, February 18, 1990, the thirty-second running of the Daytona gave witness to what many observers have called the greatest upset in stock car racing history; and

WHEREAS, Derrike Cope won the race with a time of three hours and fifty-nine seconds; and

WHEREAS, Derrike Cope is the first driver from the West Coast NASCAR Tour to win the Daytona 500; and

WHEREAS, Before Derrike Cope, only three individuals in the history of stock car racing scored their first major NASCAR victory at the Daytona 500; and

WHEREAS, The splendid achievement of Derrike Cope is a lasting inspiration to all young people, and especially to those who reside here in the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and applauds Derrike Cope's single achievement in winning the Daytona

500, and congratulates him for all his splendid contributions to the sport of auto racing; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. Derrike Cope and members of his family.

There being no objection, the President returned the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

March 5, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Joseph A. Macri, appointed March 5, 1990, for a term ending December 26, 1993, as a member of the Board of Pilotage Commissioners.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House refuses to recede, insists on its position regarding the House amendments to SENATE BILL NO. 6253 and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Senate Bill No. 6253.

MOTION

Senator Hansen moved that the Senate do not concur in the House amendments to Senate Bill No. 6253.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Newhouse that the Senate do concur in the House amendments to Senate Bill No. 6253.

The motion to concur in the House amendments to Senate Bill No. 6253 failed on a rising vote.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6253 was deferred.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 6303 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SB 6303

Enhancing pedestrian safety.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the following House Transportation Committee amendments, which were adopted on March 2, 1990, on page 1, line 22; page 4, line 32; and page 5, line 5, be adopted; the following House floor amendment, which was adopted on March 2, 1990, on page 6, line 16, be adopted; the bill be further amended as follows:

On page 1, line 22 strike "vehicular traffic" and insert "~~((vehicular traffic))~~ vehicle operators"

On page 4, line 32 strike "drivers" and insert "vehicle operators"

On page 5, line 5 after "the" strike "driver" and insert "~~((driver))~~ operator"

On page 6, line 16 after "roadway," insert "Where sidewalks are provided but wheelchair access is not available, disabled persons who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk."

On page 7, after line 5, insert the following:

"Sec. 8. Section 52, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.370 are each amended to read as follows:

(1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the ~~((highway))~~ roadway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such school bus resumes motion ~~((or is signaled by the school bus driver to proceed))~~ or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(3) The driver of a vehicle upon a highway with three or more marked traffic lanes need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

~~((2))~~ Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by) (4) The driver of ~~((said))~~ a school bus ~~((whenever but only whenever such vehicle))~~ shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the ~~((highway))~~ roadway for the purpose of receiving or discharging school children ~~((except~~

~~((a) When school children do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or~~

~~((b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal; or~~

~~((c) When the bus is stopped at school for the purpose of receiving or discharging school children and school children are not required to cross the roadway)).~~

~~((3))~~ (5) The driver of a ~~((vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150, need not stop upon meeting or passing a school bus which is on a separate roadway or when upon a limited access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway))~~ school bus may stop completely off the roadway for the purpose of receiving or discharging school children only when the school children do not have to cross the roadway. The school bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading school children at such stops.

Sec. 9. Section 8, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.375 are each amended to read as follows:

(1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the ~~((highway))~~ roadway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching such private carrier bus when there is in operation on said bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such bus resumes motion ~~((or is signaled by the bus driver to proceed))~~ or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(3) The driver of a vehicle upon a highway with three or more lanes need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

~~((2) Every private carrier bus shall bear upon the front and rear thereof plainly visible signs containing the words "PRIVATE CARRIER BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by)) (4) The driver of ((said)) a private carrier bus ((whenever but only whenever such vehicle)) shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the ((highway)) roadway for the purpose of receiving or discharging passengers((-except:~~

~~(a) When the passengers boarding or alighting do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or~~

~~(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal).~~

~~((3)) (5) The driver of a ((vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150, need not stop upon meeting or passing a private carrier bus which is on a separate roadway or when upon a limited access highway and the private carrier bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway)) private carrier bus may stop a private carrier bus completely off the roadway for the purpose of receiving or discharging passengers only when the passengers do not have to cross the roadway. The private carrier bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading passengers at such stops.~~

NEW SECTION, Sec. 10. A new section is added to chapter 46.37 RCW to read as follows:

Every school bus and private carrier bus, in addition to any other equipment or distinctive markings required by this chapter, shall bear upon the front and rear thereof, above the windows thereof, plainly visible signs containing only the words "school bus" on a school bus and only the words "private carrier bus" on a private carrier bus in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190.

NEW SECTION, Sec. 11. A new section is added to Title 28A RCW to read as follows:

On highways divided into separate roadways as provided in RCW 46.61.150 and highways with three or more marked traffic lanes, public school district bus routes and private school bus routes shall serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW 46.04.600 or an adult crossing guard within three hundred feet of the bus stop to assist students while crossing such multiple-lane highways."

On line 1 of the title, after "pedestrians;" strike "and"

On line 2 of the title, after "46.61.250," strike "and 46.61.266," and insert "46.61.266, 46.61.370 and 46.61.375; adding a new section to chapter 46.37 RCW, and adding a new section to Title 28A RCW."

Signed by Senators von Reichbauer, Bender, Benitz; Representatives Bennett, R. Meyers, S. Wilson.

MOTION

On motion of Senator von Reichbauer, the Report of the Conference Committee on Senate Bill No. 6303 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6649 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 6649

Clarifying the status of Adopt-a-Highway signs.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree

and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the following House Committee on Transportation amendment, adopted March 1, 1990, on page 6, line 19, be adopted; and the bill be further amended as follows:

On page 6, line 19 after "interstate" strike all material through "along" on line 20 and insert "primary and"

On page 7, after line 2, insert the following:

NEW SECTION. Sec. 4. The legislature finds that despite the efforts of the department of transportation, the department of ecology, and the ecology youth corps to pick up litter along state highways, roadside litter in Washington state has increased by thirty-six percent since 1983. The legislature further finds that in twenty-seven states, volunteer organizations are able to give of their time and energy, demonstrate commitment to a clean environment, and discourage would-be litterers by keeping sections of highway litter free because those states have established programs to encourage and recognize such voluntary efforts. Therefore, it is the legislature's intent to establish an "adopt-a-highway" litter control program as a partnership between citizen volunteers and the state to reduce roadside litter and build civic pride in a litter-free Washington.

NEW SECTION. Sec. 5. A new section is added to chapter 47.40 RCW to read as follows:

(1) The department of transportation shall establish a state-wide adopt-a-highway litter control program whereby volunteer organizations may contribute to a cleaner environment and a more attractive state by adopting sections of state highway and picking up litter along those sections.

An organization whose name: (a) Endorses or opposes a particular candidate for public office, (b) advocates a position on a specific political issue, initiative, referendum, or piece of legislation, or (c) includes a reference to a political party shall not be eligible to participate in the adopt-a-highway program.

(2) In administering the adopt-a-highway, the department shall:

(a) Provide a standardized application form, registration form, and contractual agreement for all volunteer groups. Such forms shall notify the prospective participants of the risks and responsibilities to be assumed by either the department and/or the volunteer groups;

(b) Require all volunteers to be at least fifteen years of age;

(c) Require parental consent for all minors;

(d) Require at least one volunteer adult supervisor for every eight minors;

(e) Require one designated leader for each volunteer organization;

(f) Assign each volunteer organization a section of state highway for a specified period of time;

(g) Recognize the efforts of a participating organization by erecting and maintaining signs with the organization's name on both ends of the organization's section of highway;

(h) Provide appropriate safety equipment and "Volunteer Litter Crew Ahead" signs. Safety equipment, other than hardhats, issued to volunteer organizations must be returned to the department after each use for reuse by other volunteer groups;

(i) Provide safety training for all volunteers;

(j) Pay any and all premiums or assessments required under RCW 51.12.035 to secure medical aid benefits under chapter 51.36 RCW for all volunteers participating in the program;

(k) Maintain records of all injuries and accidents that occur;

(l) Adopt rules which establish a process to resolve any question of an organization's eligibility to participate in the adopt-a-highway program;

(m) Obtain permission from property owners who lease right of way before allowing a volunteer organization to adopt a section of highway on such leased property; and

(n) Establish procedures and guidelines for the adopt-a-highway program.

(3) Nothing in this section affects the rights or activities of, or agreements with, adjacent landowners, including the use of rights of way and crossings, nor impairs these rights and uses by the placement of signs."

On line 2 of the title, after "47.42.040:" strike "and creating a new section" and insert "adding a new section to chapter 47.40 RCW; and creating new sections."

Signed by Senators Thorsness, Conner, Johnson; Representatives Prentice, Cooper, Walker.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6649 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: E2SSB 6537

Providing for foster care reform and making appropriations.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the House Committee on Human Services striking amendment, which was adopted on March 2, 1990, be adopted; and the bill be further amended as follows:

On page 17 of the amendment, after line 36, insert the following:

"Sec. 31. Section 30, chapter 291, Laws of 1977 ex. sess. as amended by section 2, chapter 524, Laws of 1987 and RCW 13.34.020 are each amended to read as follows:

The legislature declares that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the legislature declares that the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized. When the rights of basic nurture, physical and mental health, and safety of the child and the legal rights of the parents are in conflict, the rights and safety of the child should prevail. The right of a child to basic nurturing includes the right to a safe, stable, and permanent home and a speedy resolution of any proceeding under this chapter.

Sec. 32. Section 17, chapter 17, Laws of 1989 1st ex. sess. and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

(i) There is no parent or guardian available to care for such child;

(ii) ~~((The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;~~

~~((#))~~ The parent, guardian, or legal custodian is not willing to take custody of the child;

~~((#))~~ (iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

~~((#))~~ (iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to RCW 13.34.130(1)(b), the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in

the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of assault of the child in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in section 904, chapter ---, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 6259);

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanent plan of care that may include one of the following: Return of the child to the home of the child's parent, adoption, guardianship, or long-term placement with a relative or in foster care with a written agreement.

(b) Unless the court has ordered, pursuant to RCW 13.34.130(2), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

((a)) (i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

((b)) (ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

((c)) (iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

((d)) (iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to RCW 13.34.130(2), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

((3)) (4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

((4)) (5) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal

custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 33. Section 47, chapter 291, Laws of 1977 ex. sess. as amended by section 48, chapter 155, Laws of 1979 and RCW 13.34.190 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) ~~((a))~~ The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or ~~((b))~~

(2) RCW 13.34.180 (3) and (4) may be waived because the allegations under RCW 13.34.180 (1), (2), ~~((4))~~ (5), and (6) are established beyond a reasonable doubt; or (c) the allegation under RCW 13.34.180(7) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (5) and (6) are established beyond a reasonable doubt, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 or 9A.42.030;

(c) Conviction of the parent of assault of the child in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in section 904, chapter ---, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 6259);

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim; and

~~((g))~~ (3) Such an order is in the best interests of the child.

NEW SECTION. Sec. 34. If specific funding for the purposes of sections 31 through 33 of this act, referencing this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, sections 31 through 33 of this act shall be null and void.

Sec. 35. Section 5, chapter 291, Laws of 1977 ex. sess. as amended by section 4, chapter 155, Laws of 1979 and RCW 13.04.033 are each amended to read as follows:

(1) Any person aggrieved by a final order of the court may appeal the order as provided by this section. All appeals in matters other than those related to commission of a juvenile offense shall be taken in the same manner as in other civil cases. Except as otherwise provided in this title, all appeals in matters related to the commission of a juvenile offense shall be taken in the same manner as criminal cases and the right to collateral relief shall be the same as in criminal cases. The order of the juvenile court shall stand pending the disposition of the appeal: PROVIDED, That the court or the appellate court may upon application stay the order.

(2) If the final order from which an appeal is taken grants the custody of the child to, or withholds it from, any of the parties, or if the child is committed as provided under this chapter, the appeal shall be given priority in hearing.

(3) In the absence of a specific direction from the party seeking review to file the notice, or the court-appointed guardian ad litem, the court may dismiss the review pursuant to RAP 18.9. To the extent that this enactment conflicts with the requirements of RAP 5.3(a) or RAP 5.3(b) this enactment shall supersede the conflicting rule.

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 4.92.130, 13.34.020, 13.34.130, 13.34.190, and 13.04.033; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.32A RCW; adding a new section to chapter 13.34 RCW; creating new sections; and providing an effective date."

Signed by Senators Smith, Niemi, Bailey; Representatives Sayan, Anderson, Silver.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6537 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 6418 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: 2SSB 6418

Expanding rural health care opportunities.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

All previous amendments not be adopted and the following amendments be adopted:
Strike everything after the enacting clause and insert the following:

"PART I

NEW SECTION. Sec. 1. The legislature finds that a health care access problem exists in rural areas of the state due to a lack of practicing physicians, physician assistants, pharmacists, and advanced registered nurse practitioners. In addition, many of these rural providers are unable to leave the community for short-term periods of time to attend required continuing education training or for personal matters because their absence would leave the community without adequate medical care coverage. The lack of adequate medical coverage in geographically remote rural communities constitutes a threat to the health and safety of the people in those communities.

The legislature declares that it is in the public interest to recruit and maintain a pool of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners willing and able on short notice to practice in rural communities on a short-term basis to meet the medical needs of the community.

NEW SECTION. Sec. 2. The department shall establish the health professional temporary substitute resource pool. The purpose of the pool is to provide short-term physician, physician assistant, pharmacist, and advanced registered nurse practitioner personnel to rural communities where these health care providers:

- (1) Are unavailable due to provider shortages;
- (2) Need time off from practice to attend continuing education and other training programs; and
- (3) Need time off from practice to attend to personal matters or recover from illness.

The health professional temporary substitute resource pool is intended to provide short-term assistance and should complement active health provider recruitment efforts by rural communities where shortages exist.

NEW SECTION. Sec. 3. (1) The department, in cooperation with University of Washington school of medicine, the state's registered nursing programs, the state's pharmacy programs, and other appropriate public and private agencies and associations, shall develop and keep current a register of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners who are available to practice on a short-term basis in rural communities of the state. The department shall periodically screen individuals on the registry for violations of the uniform disciplinary act as authorized in chapter 18.130 RCW. If a finding of unprofessional conduct has been made by the appropriate disciplinary authority against any individual on the registry, the name of that individual shall be removed from the registry and that person

shall be made ineligible for the program. The department shall include a list of back-up physicians and hospitals who can provide support to health care providers in the pool. The register shall be compiled, published, and made available to all rural hospitals, public health departments and districts, rural pharmacies, and other appropriate public and private agencies and associations. The department shall coordinate with existing entities involved in health professional recruitment when developing the registry for the health professional temporary substitute resource pool.

(2) Eligible health care professionals are those licensed under chapters 18.57, 18.57A, 18.64, 18.71, and 18.71A RCW and advanced registered nurse practitioners licensed under chapter 18.88 RCW.

(3) Participating health care professionals shall receive:

(a) Reimbursement for travel to and from the rural community and for lodging at a rate determined under RCW 43.03.050 and 43.03.060;

(b) Medical malpractice insurance purchased by the department, or the department may reimburse participants for medical malpractice insurance premium costs for medical liability while providing health care services in the program, if the services provided are not covered by the participant's or local provider's existing medical malpractice insurance; and

(c) Information on back-up support from other physicians and hospitals in the area to the extent necessary and available.

(4) The department may require rural communities to participate in health professional recruitment programs as a condition for providing a temporary substitute health care professional if the community does not have adequate permanent health care personnel. To the extent deemed appropriate and subject to funding, the department may also require communities to participate in other programs or projects, such as the rural health system project authorized in chapter 70.175 RCW, that are designed to assist communities to reorganize the delivery of rural health care services.

(5) The department may require a community match for assistance provided in subsection (3) of this section if it determines that adequate community resources exist.

(6) The maximum continuous period of time a participating health professional may serve in a community is ninety days. The department may modify or waive this limitation should it determine that the health and safety of the community warrants a waiver or modification. The community shall be responsible for all salary expenses of participating health professionals.

NEW SECTION, Sec. 4. (1) Requests for a temporary substitute health care professional may be made to the department by the local rural hospital, public health department or district, community health clinic, local practicing physician, physician assistant, pharmacist, or advanced registered nurse practitioner, or local city or county government.

(2) The department shall:

(a) Establish a manner and form for receiving requests;

(b) Minimize paperwork and compliance requirements for participant health care professionals and entities requesting assistance; and

(c) Respond promptly to all requests for assistance.

(3) The department may apply for, receive, and accept gifts and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts to operate the pool. The department shall make available upon request to the appropriate legislative committees information concerning the source, amount, and use of such gifts or payments.

PART II

NEW SECTION, Sec. 5. The legislature finds that the lack of primary care physicians in some rural areas of the state and the critical shortage of maternity care services adversely affect access to basic health care services. Rural areas often require more services because the health care needs are greater due to poverty or because these areas are difficult to service due to geographic circumstances. The legislature further finds that encouraging primary care physicians to serve in rural areas of the state and midwives to serve in midwife shortage areas is essential to assure continued access to basic health care services. Studies suggest that physicians recruited from rural areas or physicians who have resident and intern experience in a rural setting tend to make a long-term commitment as rural physicians. The legislature declares that whenever possible rural communities should take an active part in identifying prospective medical students from the local rural community or other rural areas. In this way the community and the prospective physician can form a mutual commitment prior to the individual acquiring a medical education.

The legislature further finds that midwives serve as an important provider of prenatal, interpartum, and postpartum care. Training individuals to become midwives can serve to address the current shortage of providers. The legislature declares that it is in the best interest of the people in this state to promote the availability of midwife services through activities that lead to the recruitment and training of midwives. The legislature further finds that the availability of pharmacy services in rural areas is important to assure that rural people have access to needed medications to support good health.

NEW SECTION. Sec. 6. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the higher education coordinating board.
- (2) "Department" means the department of health.
- (3) "Eligible expenses" means legitimate expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the department.
- (4) "Eligible student" means a student who has been accepted into: (a) A program leading to eligibility for licensure as a physician under chapter 18.71 RCW or osteopathic physician or surgeon under chapter 18.57 RCW, and has a declared intention to serve as a primary care physician in a rural area in the state of Washington upon completion of the educational program; (b) a program leading to eligibility for licensure as a midwife under chapter 18.50 RCW, or certification by a graduate nurse training program as an advanced registered nurse practitioner certified nurse midwife, licensed as a registered nurse under chapter 18.88 RCW and has a declared intention to serve as a midwife in a midwife shortage area in the state of Washington upon completion of the education program; or (c) a program leading to eligibility for licensure under chapter 18.64 RCW and has declared an intention to serve as a pharmacist in a pharmacist shortage area of the state.
- (5) "Forgiven" or "to forgive" or "forgiveness" means to render physician services in a rural area, pharmacy services in a pharmacist shortage area, or midwifery services in a midwife shortage area in the state of Washington in lieu of monetary repayment.
- (6) "Medical school" means a medical school or school of osteopathic medicine and surgery accredited by an accrediting association recognized as such in rule by the department.
- (7) "Midwife shortage area" means a geographic area of the state of Washington where: (a) Maternity services are in short supply to the extent to jeopardize favorable birth outcomes for babies born in the area, and (b) midwifery services could help alleviate the shortage. The department shall identify midwife shortage areas consistent with the state-wide midwife access plan provided for in section 16 of this act.
- (8) "Midwife training program" means a training program that leads to licensure as a midwife in the state of Washington or certification as a nurse-midwife who is qualified to practice as an advanced registered nurse practitioner under chapter 18.88 RCW. The department shall approve training programs by rule under chapter 34.05 RCW.
- (9) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.
- (10) "Participant" means an eligible student who has received a scholarship under this chapter.
- (11) "Pharmacy school" means a pharmacy school accredited by an accrediting association recognized as such in rule by the department.
- (12) "Pharmacist shortage area" means a rural area where pharmacists are in short supply and where their limited numbers jeopardize the public health and safety.
- (13) "Program" means the rural physician, pharmacist, and midwife scholarship program.
- (14) "Prospective medical student" means an individual identified by a sponsoring community who is seeking admission to a school of medicine or osteopathic school of medicine.
- (15) "Rural areas" means a rural area in the state of Washington as identified by the department.
- (16) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.
- (17) "Satisfied" means paid-in-full.
- (18) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders: (a) Physician service as a primary care physician in a rural area of the state; (b) midwifery services as a licensed midwife or certified nurse midwife in a midwife shortage area; or (c) pharmacy services as a pharmacist in a pharmacist shortage area.
- (19) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

NEW SECTION. Sec. 7. The rural physician, pharmacist, and midwife scholarship program is established for students pursuing medical and midwifery training. The program shall be administered by the board in consultation with the department, the school of medicine at the University of Washington and other appropriate private and public entities. In administering the program, the board shall have the following powers and duties:

- (1) Select students to receive scholarships to attend schools of medicine, schools of osteopathic medicine, schools of pharmacy, or training programs in midwifery with the assistance of a screening committee;
- (2) Adopt rules and guidelines to implement this chapter;

(3) Publicize the program, particularly emphasizing individuals residing in rural shortage areas, pharmacist shortage areas, and midwifery shortage rural areas of the state;

(4) Collect and manage repayments from students who do not meet their services obligations under this chapter;

(5) Solicit and accept grants and donations from public and private sources for the program; and

(6) Develop criteria for a contract for service in lieu of the five-year service where appropriate, that may be a combination of service and payment.

NEW SECTION. Sec. 8. (1) The board shall establish a planning committee to develop criteria for the screening and selection of recipients of the scholarships. The planning committee shall be comprised of at least representatives from the following entities: Rural physicians and hospitals, health care clinics, local health districts and departments, agencies involved in physician recruitment, the department, the University of Washington school of medicine, licensed and certified nurse midwives, pharmacists, and other entities involved in rural health and midwifery issues.

(2) For prospective physicians, the selection criteria shall include requirements that recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in rural areas of the state prior to admission to the medical training program. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area.

(3) For prospective midwives, the selection criteria shall include requirements that the recipient declare an interest in serving in midwife shortage areas of the state of Washington.

(4) For prospective pharmacists, the selection shall include requirements that recipients declare an interest in serving in pharmacist shortage areas of the state of Washington.

NEW SECTION. Sec. 9. A new section is added to Title 28B RCW to read as follows:

The school of medicine at the University of Washington shall develop and implement a policy to grant admission preference to prospective medical students from rural areas of the state who agree to serve for at least five years as primary care physicians in rural areas of Washington after completion of their medical education and have applied for and meet the qualifications of the program under section 7 of this act. Should the school of medicine be unable to fill any or all of the admission openings due to a lack of applicants from rural areas who meet minimum qualifications for study at the medical school, it may admit students not eligible for preferential admission under this section.

NEW SECTION. Sec. 10. The board may award scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. Scholarships for physicians may be awarded contingent upon acceptance to a medical school. The amount of the scholarship awarded an individual shall not exceed fifteen thousand dollars per academic year for physicians and four thousand dollars per academic year for midwives and pharmacists. Scholarship awards are intended to meet the eligible financial expenses of eligible students. Students are eligible to receive scholarships for a maximum of five years for physicians and three years for pharmacists and midwives while continually enrolled in an approved medical school, pharmacy school, or midwifery training program. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area.

NEW SECTION. Sec. 11. The department may provide technical assistance to rural communities desiring to become sponsoring communities. Such assistance should include, but not be limited to: The identification of prospective students, assisting prospective students to apply to medical school, pharmacy school, and midwifery training programs, making formal agreements with prospective medical students to provide future primary care physician services in the community, forming agreements between rural communities in a service area to share physician, pharmacy, and midwifery services, and fulfilling any matching requirements.

NEW SECTION. Sec. 12. In providing health care services the participant shall not discriminate against any person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance including Title XIX of the federal social security act and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of such act for all services for which payment may be made under part B of Title XVIII and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan. Participants found by the board or the department in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.

NEW SECTION. Sec. 13. (1) Participants in the program incur an obligation to repay the scholarship, with interest set by state law, unless they serve for five years in rural areas, pharmacist shortage areas, or midwife shortage areas of the state of Washington.

(2) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The period for repayment shall be three years, with payments accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study or completes or discontinues the required residency.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a rural area, pharmacist shortage area, or midwife shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. Should the participant cease to serve in a rural area, pharmacist shortage area, or midwife shortage area of this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied. Except for circumstances beyond their control, participants who serve less than five years shall be obliged to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of principal and interest required by this section.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant scholarships to eligible students.

(7) Sponsoring communities who financially contribute to the eligible financial expenses of eligible medical students may enter into agreements with the student to require repayment should the student not serve the minimum of five years in the community as a primary care physician. The board may develop criteria for the content of such agreements with respect to reasonable provisions and obligations between communities and eligible students.

(8) The board may make exceptions to the conditions for participation and repayment obligations should circumstances beyond the control of individual participants warrant such exceptions.

NEW SECTION, Sec. 14. The legislature finds that a shortage of physicians, nurses, pharmacists, and physician assistants exists in rural areas of the state. In addition, many education programs to train these health care providers do not include options for practical training experience in rural settings. As a result, many health care providers find their current training does not prepare them for the unique demands of rural practice.

The legislature declares that the availability of rural training opportunities as a part of professional medical, nursing, pharmacist, and physician assistant education would provide needed practical experience, serve to attract providers to rural areas, and help address the current shortage of these providers in rural Washington.

NEW SECTION, Sec. 15. (1) The department, in consultation with at least the higher education coordinating board, the state board for community college education, the superintendent of public instruction, and state-supported education programs in medicine, pharmacy, and nursing, shall develop a plan for increasing rural training opportunities for students in medicine, pharmacy, and nursing. The plan shall provide for direct exposure to rural health professional practice conditions for students planning careers in medicine, pharmacy, and nursing.

(2) The department and the medical, pharmacy, and nurse education programs shall:

(a) Inventory existing rural-based clinical experience programs, including internships, clerkships, residencies, and other training opportunities available to students pursuing degrees in nursing, pharmacy, and medicine;

(b) Identify where training opportunities do not currently exist and are needed;

(c) Develop recommendations for improving the availability of rural training opportunities;

(d) Develop recommendations on establishing agreements between education programs to assure that all students in medical, pharmacist, and nurse education programs in the state have access to rural training opportunities; and

(e) Review private and public funding sources to finance rural-based training opportunities.

(3) The department shall report to the house of representatives and senate standing committees on health care by December 1, 1990, with their findings and recommendations including needed legislative changes.

NEW SECTION. Sec. 16. The department, in consultation with training programs that lead to licensure in midwifery and certification as a certified nurse midwife, and other appropriate private and public groups, shall develop a state-wide plan to address access to midwifery services.

The plan shall include at least the following: (1) identification of maternity service shortage areas in the state where midwives could reduce the shortage of services; (2) an inventory of current training programs and preceptorship activities available to train licensed and certified nurse midwives; (3) identification of gaps in the availability of training due to such factors as geographic or economic conditions that prevent individuals from seeking training; (4) identification of other barriers to utilizing midwives; (5) identification of strategies to train future midwives such as developing training programs at community colleges and universities, using innovative telecommunications for training in rural areas, and establishing preceptorship programs accessible to prospective midwives in shortage areas; (6) development of recruitment strategies; and (7) estimates of expected costs associated in recruitment and training.

The plan shall identify the most expeditious and cost-efficient manner to recruit and train midwives to meet the current shortages. Plan development and implementation shall be coordinated with other state policy efforts directed toward, but not limited to, maternity care access, rural health care system organization, and provider recruitment for shortage and medically underserved areas of the state.

The department shall submit a copy of the plan to the senate and house of representatives health care committees by December 1, 1990.

NEW SECTION. Sec. 17. By September 1, 1995, the department shall review the continuing need for the program and recommend the need for its continuation. It shall report its findings to the senate and house of representatives committees on health care by December 1, 1995.

NEW SECTION. Sec. 18. A new section is added to chapter 70.175 RCW to read as follows:

The department may develop and implement a rural health care plan and may approve hospital and rural health care facility requests to be designated as essential access community hospitals or rural primary care hospitals so that such facilities may form rural health networks to preserve health care services in rural areas and thereby be eligible for federal program funding and enhanced medicare reimbursement.

NEW SECTION. Sec. 19. After consulting with the higher education coordinating board, the governor may transfer the administration of the rural physician, pharmacist, and midwife scholarship program to another agency with an appropriate educational mission.

PART III

NEW SECTION. Sec. 20. The legislature finds that the residents of rural communities are having difficulties in locating and purchasing affordable health insurance. The legislature further finds that many rural communities have sufficient funds to pay for needed services, but those funds are being expended elsewhere causing insufficient funding of local health services. As part of the solution to this problem, rural communities need to be able to structure the financing of local health services to better serve local residents. The legislature further finds that as rural communities need well financed and organized health care, it is in the interest of residents of rural communities that existing unauthorized entities comply with appropriate fiscal solvency standards and consumer safeguards, and that those entities be given an opportunity to come into compliance with existing state laws.

NEW SECTION. Sec. 21. The insurance commissioner shall establish a committee to recommend to the governor and legislature methods to improve the availability of affordable health insurance or coverage in rural communities. The recommendations shall consider (1) the unique and varied nature of rural communities, (2) methods to maximize the retention of local health expenditures in rural communities, (3) the need of rural communities to have sufficient control over the health services in their communities so that they may improve the quality and have the appropriate quantity of those health services, (4) financial stability and consumer protection issues, and (5) the feasibility of such recommendations. The committee shall examine methods of improving the way currently authorized carriers address rural health issues and shall examine the use of alternative arrangements specifically adapted to rural communities including, but not limited to, the use of local service contractors in combination with other entities authorized under Title 48 RCW.

The committee shall include the insurance commissioner or the commissioner's designee and representatives of rural communities, rural health providers, entities authorized under title 48 RCW, the department of health, and other individuals, as appointed by the insurance commissioner.

These recommendations shall be submitted to the governor and legislature no later than November 1, 1990.

The committee established under this section shall dissolve on January 1, 1991.

NEW SECTION. Sec. 22. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Rural community" means any grouping of consumers, seventy-five percent of whom reside in areas outside of a standard metropolitan statistical area as defined by the United States bureau of census.

(2) "Consumer" means any person enrolled and eligible to receive benefits in the rural health care arrangement.

(3) "Rural health care service arrangement" or "arrangement" means any arrangement which is established or maintained for the purpose of offering or providing through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits in the event of sickness, accident, or disability in a rural community, as defined in this section, that is subject to the jurisdiction of the insurance commissioner but is not now a currently authorized carrier.

NEW SECTION, Sec. 23. Rural health care service arrangements existing on the effective date of this act may continue in full operation only so long as they comply with all of the following:

(1) Within ten days following the effective date of this act, all rural health care service arrangements shall inform the insurance commissioner of their intent to apply for approval to operate as an entity authorized under chapter 48.44 RCW or intend to merge with an entity authorized under Title 48 RCW or merge with an entity defined in this section;

(2) The arrangement submits an application for approval as an entity authorized under chapter 48.44 RCW by May 1, 1990;

(3) The arrangement has one hundred thousand dollars on deposit with the insurance commissioner by July 1, 1990;

(4) The arrangement has one hundred fifty thousand dollars on deposit with the insurance commissioner by September 1, 1990; and

(5) The arrangement complies with all reasonable requirements of the insurance commissioner excluding the deposit requirement, except as outlined in this section.

If such rural health care service arrangements fail to comply with any of the above requirements, or if during the application process an entity engages in any activities which the insurance commissioner reasonably determines may cause imminent harm to consumers, the entity may be subject to appropriate legal action by the insurance commissioner pursuant to the authority provided in Title 48 RCW.

A rural health care service arrangement which comes into compliance with Title 48 RCW through the method outlined in this chapter shall be subject to all applicable requirements of Title 48 RCW except that the deposit requirements shall not be increased until May 1, 1991.

NEW SECTION, Sec. 24. The insurance commissioner, pursuant to chapter 34.05 RCW, may promulgate rules to implement sections 22 and 23 of this act.

NEW SECTION, Sec. 25. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the insurance commissioner for the purposes of section 21 of this act.

NEW SECTION, Sec. 26. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION, Sec. 27. Sections 20 through 24 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION, Sec. 28. Any additional expenditures incurred by the University of Washington from provisions of this act shall be funded from existing financial resources.

NEW SECTION, Sec. 29. Sections 1 through 8, 10 through 17, 19 and 28 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 30. If specific funding for the purposes of sections 1 through 19 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, sections 1 through 19 of this act shall be null and void."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "adding a new section to Title 28B RCW; adding a new section to chapter 70.175 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 48 RCW; creating new sections; making an appropriation; and declaring an emergency."

Signed by Senators West, Kreidler, Barr; Representatives Braddock, Kirby, Brooks.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Second Substitute Senate Bill No. 6418 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 6411 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESB 6411

Establishing an employment training program.

March 7, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the amendments by the House Committee on Trade and Economic Development, as amended, adopted February 28, 1990, not be adopted and the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that demographic and economic changes are causing an increasing shortage of well trained workers within Washington. The working age population is growing at a decreasing rate due to the aging of the post World War II baby boom generation and due to a lower rate of birth. The current economic boom in the state is aggravating this long-term trend by lowering the rate of unemployed individuals seeking work. Because of the developing labor shortage, Washington businesses increasingly need to employ individuals from demographic groups which have been traditionally underrepresented among the employed population. Many of these and other individuals need training in order to have the skills required by employers. Despite economic growth, significant unemployment remains a serious and persistent problem in many areas of the state. By making first rate training available to individuals who lack suitable skills for employment in well-paying careers, the state will enhance employment opportunities for low-income individuals, unemployed persons, dislocated workers, and others enabling more citizens of the state to enjoy our economic prosperity.

The legislature further finds that our state's businesses have a growing need for highly trained workers because of the increasing technological complexity of occupations and due to increasing world market competition. Because of these technical and economic changes, businesses in the future will need to fully utilize the capacities of their workers for skilled, flexible, and intelligent work.

The legislature further finds that the vast majority of the work force for the year 2000 and beyond is already of the age eighteen years or older. For the work force of the future to be well trained will require a first-rate adult training system. This system will need to train those individuals who are entering and reentering the labor market and those individuals already employed who need new or updated skills to meet changing technological and economic conditions. For the training system to be first rate will require a system that is well coordinated between service providers, is accountable for its performance, and is responsive to the needs of businesses and the work force. The legislature recognizes the importance of designing a system of vocational education that can accommodate change and includes program evaluation and coordination. The training system must emphasize training in broad-based skills with long-term career potential. For the state to have a first rate training system requires a thorough study of our present and future training needs; experimentation in new ways of providing training; and leadership and recommendations from representatives of business, workers, and training providers.

The legislature further finds that adults without the basic skills needed for training in job skills are more likely to need unemployment compensation and welfare payments, and to fill our state's correctional institutions. The legislature intends to assess adult educational opportunities in the state for adults lacking basic literacy skills, for adults who have not received a high school diploma, and for adults who have received a high school diploma but whose level of achievement, based on standard measures, indicates that additional basic skills are necessary in order to enter a job training program.

The legislature recognizes that successful implementation of the study recommendations called for in section 4 of this act is directly related to resolving the issue of vocational education governance. Therefore, it is the intent of the legislature that the governance of the first two years of postsecondary education not under the jurisdiction of a four-year institution of higher education be the responsibility of one state agency to provide high quality education, to avoid duplication of programs, and to assure increased access to vocational programs for all students including youth and adults.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(1) "Basic literacy" means achievement at a tenth grade educational level as measured by standardized tests.

(2) "Council" means the advisory council on investment in human capital.

(3) "Training" means any education, literacy, or skill training or retraining activity that is needed by an individual to begin or continue full participation in the Washington work force.

(4) "Training system" means the network of public and private providers of training, and includes secondary vocational education programs for gainful employment upon completion of a designated program sequence, but not other programs of primary or secondary education.

(5) "Training providers" includes agencies and institutions of secondary vocational education programs for gainful employment upon completion of a designated program sequence, adult education, vocational technical institutes, community colleges, apprenticeship programs, private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services, and private for-profit organizations that provide training as their primary service.

(6) "Work force" means all persons of working age including those who are currently gainfully employed and those who are not.

NEW SECTION. Sec. 3. (1) There is created the advisory council on investment in human capital. The council shall consist of six voting members, thirteen nonvoting members, and a nonvoting chairperson. The governor shall appoint the members of the council except for the legislative members. Three of the voting members shall be representatives of business, and three of the voting members shall be representatives of labor. The thirteen nonvoting members shall be a member from each of the two major caucuses in the house of representatives appointed by the speaker of the house, a member from each of the two major caucuses in the senate appointed by the president of the senate, the state superintendent of public instruction or the superintendent's designee, the executive director of the state board for community college education or the director's designee, the commissioner of the department of employment security or the commissioner's designee, the director of the department of labor and industries or the director's designee, a representative of the council of vocational technical institutes, a representative of the general public, a representative of a broad-based coalition of groups providing literacy services, a representative of private or public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services, and a representative of private for-profit organizations which provide job training services as their primary service. The representative of the council of vocational technical institutes shall consult with vocational technical institute directors, instructors, and advisory council members to prepare policies and plans to implement the recommendations called for in section 4(11) of this act. The governor or the governor's designee shall serve as the non-voting chairperson of the council.

(2) The council shall advise the office of financial management concerning the study of training authorized under section 4 of this act.

(3) The council shall advise the office of financial management and other appropriate state agencies concerning the pilot programs established under section 5 of this act.

(4) The council shall make recommendations on changes necessary in state policies for training to the office of financial management and to the governor by December 1, 1990.

(5) The office of financial management and the office of the governor shall provide staff to the council as necessary to carry out the purposes of this act.

(6) The council shall meet as necessary to carry out the purposes of this act, and council members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, or 44.04.120.

NEW SECTION. Sec. 4. (1) The office of financial management shall, with the advice of the council, administer a study of the training needs of the state's work force, businesses, and the economy, including an evaluation of the training system. The office of financial management shall complete the study by December 1, 1990, and present the study to the council and governor. For purposes of the study, the office of financial management shall use already existing data whenever appropriate. As necessary, the labor market and economic analysis unit of the department of employment security shall assist the office of financial management with labor market and economic data, and state agencies that provide training shall assist the office of financial management with data on their training programs. The director of the office of financial management may contract for services necessary for the completion of the study, and shall contract for services as necessary to ensure objectivity in evaluating the training system. The study shall include:

(2) An assessment of the employment competency needs of the present Washington work force, including regional and demographic subgroups of the state work force, and projections of these competencies to the year 2010. Employment competency needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(3) An assessment of the current work force skill needs of Washington businesses and public employers, including subgroups by region, industry, and firm size, and projections of these needs to the year 2010. Work force skill needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(4) An assessment of the gaps which may exist between the competencies of the work force and the work force skill needs of Washington businesses between now and the year 2010 given current training policies;

(5) An assessment of the characteristics, size, and geographic distribution of Washington population groups which are in need of training between now and the year 2010;

(6) An inventory and analysis of alternative training programs, policies, and funding mechanisms including, but not limited to, financial contributions from businesses, workers, and trainees, which have been proposed or are in use in other states or other nations;

(7) An assessment of current data, information, monitoring, and evaluation systems so that training needs and training providers may be assessed on an ongoing, systematic, objective, and comprehensive basis. This assessment shall include integrating an evaluation component into each of the pilot programs authorized under section 5 of this act;

(8) An inventory and analysis of the current training system in terms of organization, including the governance of vocational technical institutes, coordination, responsiveness, accountability, effectiveness, resources, support services for trainees, including but not limited to child care, and access, including access for subgroups of the population, including but not limited to subgroups by gender, race, ethnicity, and income level, and including an analysis of the job readiness of students graduating from the state's K-12 system who have completed a vocational education designated program sequence for gainful employment, and an inventory of training provided by employers whose primary product is not training;

(9) An analysis of current training programs to enable women and minorities to enter occupations and industries in which women and minorities have traditionally been underrepresented, and ways of improving such training;

(10) Recommendations for reducing the percentage of the adult population lacking basic literacy skills to five percent by the year 2010. The recommendations shall provide a framework for interagency collaboration and include:

(a) Recommendations on state policies and objectives to guide the adult literacy activities of the state;

(b) Recommendations on strategies and criteria for coordinating and enhancing adult literacy activities, programs, and services to achieve recommended state policies and objectives, meet the basic skill needs of the adult population, and maximize available state and local resources and expertise devoted to literacy training;

(c) Recommendations on methods to identify and recruit adults lacking basic literacy skills for placement in literacy training programs; and

(d) Recommendations on evaluation criteria to be used to assess literacy program successes and monitor compliance with recommended state policies and objectives;

(11) Recommendations on improving the overall governance of vocational education in this state, including but not limited to:

(a) Recommendations regarding establishing new state agencies or designating existing agencies to be responsible for coordinating vocational education;

(b) A specific recommendation identifying one agency as the governing body for all post-secondary vocational education and the first two years of postsecondary education not under the jurisdiction of a four-year institution of higher education, including identification of the elements necessary to implement this recommendation;

(c) Recommendations on who should be assigned responsibility for those duties assigned by statute and delegated by executive order to the coordinating council for occupational education, the commission for vocational education, the state board for vocational education, the job training councils of the employment security department, and the council on vocational education; and

(d) Determination of ways to effectively develop a comprehensive state plan for vocational education and coordinate vocational education programs;

(12) Recommendations for accountability at the state level for the Washington institute of applied technology and alternative methods for governance; and

(13) Recommendations on changes in the training system, including but not limited to ways of improving coordination and integration to meet the present and future needs of the work force, businesses, and the economy.

NEW SECTION. Sec. 5. (1) The office of financial management and the office of the governor, with the advice of the council, shall oversee the pilot programs for job training. The pilot programs shall test means of integrating delivery systems and improving the responsiveness of training providers to the needs of businesses and the work force. Each pilot program shall integrate an evaluation component in conjunction with the study conducted under section 4 of this act.

(2) The state board for community college education shall, in cooperation with the office of financial management, administer pilot programs which provide additional community college training programs incorporating new means of responding to the needs of businesses and the work force. The state board for community college education shall, as appropriate, coordinate these projects with the economic development services provided by the department of trade and economic development and the employment security department. The state board

for community college education may hire up to thirteen and one-half full time equivalent employees to carry out the pilot programs under this subsection.

(3) The employment security department shall conduct a pilot program for the provision of training and access to related services for workers in timber or wood products industries who have been dislocated from rural firms, or for workers dislocated from rural firms, employing fifty or fewer persons on a full-time basis.

(4) The employment security department shall, in cooperation with the office of financial management and other appropriate state agencies, administer a pilot program on integrating training services with programs for substance abuse prevention and or treatment for youth.

(5) The superintendent of public instruction shall administer a pilot program on integrating adult education instruction within vocational technical institutes. Under this pilot program the vocational technical institutes shall provide two hundred thousand additional hours of adult education instruction.

(6) If all the pilot programs in subsections (2) through (5) of this section are not funded in the 1990 supplemental omnibus appropriations act, the advisory council shall recommend to the governor how to prioritize the pilot projects under this section, and shall also recommend the level of funding for each pilot project.

NEW SECTION. Sec. 6. (1) The legislature finds that school districts may provide vocational education programs for students more effectively through cooperatives using existing district facilities, facilities at work sites, and facilities including but not limited to mobile instructional units, distance learning, and computers, without the need to construct separate facilities. It is the intent of the legislature to encourage such cooperatives among school districts on a demonstration basis.

(2) The superintendent of public instruction may establish a grant award program to establish demonstration vocational cooperatives for the purposes of subsections (1) through (7) of this section. Grants may be awarded for not more than three projects. The cooperatives approved should include projects in urban and rural areas and districts of varying characteristics and size.

(3) Initial applications to participate in the demonstration vocational cooperative program shall be submitted to the superintendent of public instruction not later than June 30, 1990. Each application shall contain a proposed plan that:

- (a) Explains how the plan meets the criteria;
- (b) Describes specific activities to be carried out;
- (c) Identifies the evaluation processes to be used; and
- (d) Includes a copy of the agreement for joint cooperative action pursuant to chapter 39.34

RCW.

(4) The superintendent of public instruction shall administer subsections (1) through (7) of this section subject to legislative appropriation for this purpose. The superintendent shall approve requests based on criteria established by the superintendent and notify districts of grant awards on or before August 1, 1990. The demonstration vocational cooperative projects shall begin with the 1990-91 school year. The grant awards may be continued for up to five years if the funds are so provided.

(5) The grant awards for such demonstration vocational cooperatives shall be based on an allocation which includes:

- (a) The same amount as would be calculated pursuant to RCW 28A.41.140 for a skill center with the same full time equivalent enrollment; and
- (b) An amount to compensate the serving districts for costs to administer the cooperatives pursuant to standards established by the superintendent of public instruction.

(6) Following the completion of each year of operation, each demonstration vocational cooperative shall submit an evaluation of the cooperative program to the superintendent of public instruction in accordance with requirements of the superintendent. On or before July 1, 1992, the superintendent of public instruction shall submit a report to the education committees and the economic development committees of the house of representatives and the senate including the cooperative evaluations and recommendations concerning the continuation of this program.

(7) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW if necessary to implement the superintendent's duties under subsections (1) through (6) of this section.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act shall expire on July 1, 1991.

NEW SECTION. Sec. 9. (1) If funding for the purposes of section 4 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 4 of this act shall be null and void.

(2) If funding is not provided for the purposes of section 5 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 5 of this act shall be null and void.

(3) If specific funding for the purposes of section 6 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 6 of this act shall be null and void.

NEW SECTION, Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "capital;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

Signed by Senators Lee, Saling, Smitherman; Representatives Cantwell, Rector, Doty.

MOTION

Senator Newhouse moved that the Report of the Conference Committee on Engrossed Senate Bill No. 6411 be adopted and the committee be granted the powers of Free Conference.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, a parliamentary inquiry. At what stage of the game should I raise the scope and object on the Free Conference Committee Report? Should I assume I haven't seen it or should I say I have read it and it needs scoping?"

REPLY BY THE PRESIDENT

President Pritchard: "I am advised that your time to raise your objection is when we are adopting the Free Conference Committee Report. At this time, we're just granting the powers of Free Conference, so you will have your chance a little later on."

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate adopt the Report of the Conference Committee and grant the powers of Free Conference on Engrossed Senate Bill No. 6411.

The motion by Senator Newhouse carried and the Senate adopted the Report of the Conference Committee and granted the powers of Free Conference on Engrossed Senate Bill No. 6411.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6501. The Speaker has appointed the following members as conferees: Representatives Appelwick, Dellwo and Nealey.

ALAN THOMPSON, Chief Clerk

MOTION

At 5:54 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, March 8, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 8, 1990

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, DeJarnatt, McCaslin, McDonald, Niemi, Patterson, Smitherman, Sutherland and Vognild. On motion of Senator Bender, Senators DeJarnatt, Sutherland and Vognild were excused. On motion of Senator Anderson, Senators Amondson and McCaslin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Chris Paulsen and Josh Knutkowski, presented the Colors. Reverend Dr. Walter Pulliam, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6434. The Speaker has appointed the following members as conferees: Representatives Todd, Bennett and Schmidt.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5450. The Speaker has appointed the following members as conferees: Representatives Jacobsen, Spanel and Van Luven.

DENNIS KARRAS, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 6664 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cantwell, Grant and Doty.

DENNIS KARRAS, Deputy Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute Senate Bill No. 6664 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6664 and the House amendments thereto: Senators Lee, Smitherman and Anderson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6031.
 SUBSTITUTE SENATE BILL NO. 6499.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9197, Virginia Sprenkle, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

Senator Bailey spoke to the confirmation of Virginia Sprenkle as a member of the Board of Trustees for Everett Community College.

APPOINTMENT OF VIRGINIA SPRENKLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; absent, 4; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senators McDonald, Niemi, Patterson, Smitherman - 4.

Excused: Senators Amondson, DeJarnatt, McCaslin, Sutherland, Vognild - 5.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The Speaker ruled the Senate amendments to HOUSE BILL NO. 2555 beyond the scope and object of the bill. The House refuses to concur in said amendments and asks the Senate to recede therefrom, and the same are here with transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do recede from its amendments to House Bill No. 2555.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "A parliamentary inquiry, Mr. President. Where do we stand where you have ruled that it is all right and the Speaker has ruled that it is all wrong?"

REPLY BY THE PRESIDENT

President Pritchard: "Each House is autonomous. I can make a ruling and that is one thing and he makes a ruling, but I ruled one way and he ruled another way."

Senator Rasmussen: "Well, could I address another inquiry to Senator Newhouse, please?"

President Pritchard: "Certainly."

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, what if we insist on our position and send it back there and tell them to take another look?"

Senator Newhouse: "Procedurally, Senator Rasmussen, that if the President rules the amendments out of order in either House, the other House refuses to recede, the bill comes back there with the amendments still on and the agreement is that they are immediately referred to the committee. In other words, they are dead for this session--in either House that happens."

Senator Rasmussen: "We still could vote to insist, as I understand it."

Senator Newhouse: "That's a vote to kill the bill according to the process."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do recede from its amendments to House Bill No. 2555.

The motion by Senator Newhouse carried and the Senate receded from its amendments to House Bill No. 2555.

MOTION

On motion of Senator Bender, Senators Niemi and Smitherman were excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2555, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2555, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Stratton, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senator Sellar - 1.

Excused: Senators Amondson, DeJarnatt, McCaslin, Niemi, Smitherman, Sutherland, Vognil - 7.

HOUSE BILL NO. 2555, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act:

REPORT OF CONFERENCE COMMITTEE

RE: EHB 2888

Establishing a new child support schedule.

March 7, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Law and Justice amendments adopted, as amended, on February 27, 1990, be rejected and the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 375, Laws of 1989 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court ~~((may))~~ shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined ~~((pursuant to the schedule adopted))~~ under chapter 26.19 RCW ((26.19.040)). The court may require periodic adjustments of support. The adjustment provision may be modified by the court due to economic hardship.

Sec. 2. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 416, Laws of 1989 and RCW 26.09.170 are each amended to read as follows:

Except as provided in section 12 of this act, the provisions of this section do not apply to modification actions pursuant to section 12 of this act.

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsection (4) or (5) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the ~~((adopted))~~ child support schedule and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

Sec. 3. Section 2, chapter 430, Laws of 1987 and RCW 26.09.175 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition ~~((and))~~, a supporting financial affidavit, and worksheets. The petition and affidavit shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition and affidavit, and a blank copy of a financial affidavit and the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 and notice has been filed with the court, the summons, petition, ~~((and))~~ affidavit, and worksheets shall also be served on the ~~((office of support enforcement))~~ attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer and completed financial affidavit and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 4. Section 2, chapter 275, Laws of 1988 and RCW 26.19.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) ~~("Child support schedule" means the standards and economic table adopted by the commission;~~

~~(2) 'Standards' means the standards for determination of child support which have been adopted by the commission, as modified by the legislature;~~

~~(3) 'Economic table' means the child support table for the basic support obligation which has been adopted by the commission;~~

~~(4) 'Worksheets' means the forms adopted by the commission for use in determining the amount of child support;~~

~~(5) 'Instructions' means the instructions adopted by the commission for use in completing the worksheets;~~

~~(6) 'Commission' means the Washington state child support schedule commission established by RCW 26.19.030; and~~

~~(7)) 'Basic child support obligation' means the monthly obligation determined from the economic table based on the parties combined monthly net income.~~

~~(2) 'Standard calculation' means the amount of child support which is owed as determined from the worksheets before any deviation is considered.~~

~~(3) 'Transfer payment' means the court ordered amount one parent is obligated to pay to the other parent for child support.~~

Sec. 5. Section 6, chapter 275, Laws of 1988 and RCW 26.19.050 are each amended to read as follows:

(1) The ~~((commission))~~ administrator for the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The ~~((commission))~~ administrator for the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrator for the courts~~((in consultation with the commission.))~~ shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. ~~((The administrator shall not alter the design approved by the commission.))~~ The administrator may maintain a register of sources for approved worksheets.

(3) The administrator for the courts should explore methods to assist pro se parties and judges in the courtroom to calculate support payments through automated software, equipment, or personal assistance.

NEW SECTION. Sec. 6. A new section is added to chapter 26.19 RCW to read as follows:

(1) In any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to this chapter. The standards and economic table for determining child support and reasons for deviation therefrom shall be applied in the same manner by the court, presiding officers, and reviewing officers. References to the court also incorporates the presiding and reviewing officers who administratively determine or enforce child support orders.

(2) An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation.

(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court when the child support obligation of each parent is determined. Tax returns for the preceding three years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(4) Worksheets in the form developed by the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the administrator for the courts.

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court shall order each parent to pay the amount of child support determined using the standard calculation.

(6) The court shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. The worksheet on which the order is based shall be initialed or signed by the judge and filed with the order.

NEW SECTION. Sec. 7. A new section is added to chapter 26.19 RCW to read as follows:

(1) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(2) Ordinary health care expenses are included in the economic table. Health care expenses that exceed five percent of the basic support obligation shall be considered extraordinary health care expenses. Extraordinary health care expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(3) Day care and special child rearing expenses, such as tuition and long-distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and shall be listed as a specific dollar amount.

(4) The court may exercise its discretion to determine the necessity for and the reasonableness of all expenses in this section.

NEW SECTION. Sec. 8. (1) Except as otherwise provided in this section, monthly gross income for child support purposes shall include income from any source, including: Salaries, wages, commissions, deferred compensation, bonuses, mandatory overtime, dividends, interest, trust income, severance pay, annuities, capital gains, pension retirement benefits, social security retirement benefits, workers' compensation, unemployment benefits, and spousal maintenance that is actually received.

(2) The court shall deduct the following from gross income: Federal and state income taxes, federal insurance contributions act deductions, mandatory pension plan payments, mandatory union or professional dues, court-ordered spousal maintenance to the extent actually paid, up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the three consecutive years prior to the filing of the dissolution, and court-ordered payments of child support for children from other relationships to the extent actually paid. All items excluded from income shall be disclosed in the worksheet.

(3) The court may deduct normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

(4) The following resources shall be disclosed, shall not be included in gross income, and shall not be reason to deviate from the standard calculation: Aid to families with dependent children, supplemental security income, general assistance, veterans aid and attendance allowance, and food stamps.

(5) The following income shall be disclosed, shall not be included in gross income, but may be a reason to deviate from the standard calculation:

(a) Income of a new spouse or income of other adults in the household;

(b) Child support received from other relationships; and

(c) Except to the extent that income exceeds the average income from that source for two years immediately prior to the filing of a petition or modification action under chapter 26.09, 26.10, or 26.26 RCW, voluntary overtime pay above one hundred sixty-eight hours per month, income from employment in excess of forty hours per week to the extent derived from a second job, nonrecurring bonuses, contract related cash benefits, gifts, and prizes.

(6) (a) Children from relationships other than the relationship of the parties before the court shall not be counted for determining the number of children in the family for purposes of calculating the basic support obligation. The court may not consider, for purposes of deviation in calculating the amount of child support payable, any children for whom the court has allowed a deduction from gross income for court-ordered child support payments.

(b) The court may consider deviating from the presumptive basic support obligation when there are children from other relationships and the court has not allowed a deduction from gross income for payments of child support for those children pursuant to subsection (3) of this section. Deviations under this section from the presumptive basic support obligation due shall be based on consideration of the total circumstances of both households.

(7) The court shall consider the residential schedule and may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make the transfer payment. The court shall not use this subsection to restrict either parent's contact or visitation with the child or children.

Absent agreement between the parents, the parent seeking the adjustment based on contact with the child shall have the burden to show by a preponderance of the evidence the requested adjustment is consistent with the parent's actual past involvement with the child. The support payment should not be reduced if the reduction will result in insufficient funds in the house receiving the support to meet the basic needs of the child or the child is receiving aid to families with dependent children payments.

(8) Additional reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit as a result of the tax planning.

(9) The court shall enter findings which specify reasons for any deviations from the standard calculation made by the court.

(10) Agreement of the parties is not by itself adequate reason for deviation from the standard calculation.

(11) Neither parent's total child support obligation shall exceed fifty percent of net income unless good cause is shown. Good cause may include possession of substantial wealth, children with day care expenses, special medical, educational, psychological needs, and larger families.

(12) The court shall impute income to a parent when the parent is voluntarily underemployed or voluntarily unemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history. A parent

shall not be deemed voluntarily underemployed as long as that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

NEW SECTION, Sec. 9. A new section is added to chapter 26.19 RCW to read as follows:

The child support schedule shall be advisory and not mandatory for postsecondary educational support. When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together. The child must be enrolled in school, actively pursuing a course of study, and in good academic standing as defined by the institution or the court-ordered postsecondary educational support may be automatically suspended during the period or periods the child fails to comply with these conditions. The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child. The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

NEW SECTION, Sec. 10. A new section is added to chapter 26.19 RCW to read as follows:

The parties may agree which parent is entitled to claim the child or children as dependents for federal income tax exemptions. The court may award the exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may divide the exemptions between the parties, alternate the exemptions between the parties, or both.

NEW SECTION, Sec. 11. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income is less than six hundred dollars, a support order not less than twenty-five dollars per month shall be entered for each parent, regardless of the number of children. A parent's child support obligation shall not reduce his or her net income below the need standard for one person promulgated pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per month as required by this subsection or in cases where the court finds reasons for deviation under section 8(8) of this act. This section shall not be construed to require monthly substantiation of income.

(2) The presumptive basic support obligation shall be determined upon the combined monthly net income of the parents up to a cap of five thousand dollars combined net income per month. The table is not presumptive but advisory only for combined monthly net incomes above five thousand dollars.

(3) When combined monthly net income exceeds the highest combined monthly net income for which a presumptive amount of support is established, child support shall not be set at a level lower than that amount from the table but the court has discretion to establish support at higher levels upon written finding of fact.

(4) The provisions of this chapter shall apply to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

NEW SECTION, Sec. 12. A new section is added to chapter 26.09 RCW to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, all child support decrees may be adjusted once every twenty-four months pursuant to this chapter based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(2) Parents whose decrees are entered before the effective date of this act may petition the court for a modification after twelve months has expired from the entry of the decree or the most recent modification setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (1) of this section.

(3) A party may petition for modification in cases of substantially changed circumstances, under RCW 26.09.170, at any time. However, if relief is granted under RCW 26.09.170, twenty-four months must pass before a petition for modification under subsection (1) of this section may be filed.

(4) If, pursuant to subsection (1) of this section, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (1) of this section may be filed.

(5) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to subsection (1) of this section alleging that increase constitutes a substantial change of circumstances under RCW 26.09.170.

Sec. 13. Section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either of them, and ~~((in relation thereto))~~ they may be sued jointly or separately ~~((PROVIDED, That with regard to stepchildren, the obligation shall cease upon the termination of the relationship of husband and wife))~~. When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate the obligation to support the stepchildren. The obligation to support stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death.

NEW SECTION. Sec. 14. A new section is added to chapter 26.19 RCW to read as follows:

(1) Day care, extraordinary health care, long-distance transportation costs, and special child-rearing expenses such as tuition are not included in the basic support obligation for each child. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and may be listed as a specific dollar amount or as a percentage amount subject to the verification requirements pursuant to subsection (2) of this section.

(2) (a) If a sum certain is established for day care and is set forth in the decree, the parent making the transfer payment is entitled to proof of the amount paid for day care. The parent making the transfer payment is responsible for the appropriate percentage of the actual amount paid, not to exceed the proper share of the amount as set forth in the decree. The transfer payment for day care must be made in advance if the day care amount is set forth in the decree or is a regularly paid amount in a sum certain. If an amount is not specified in the decree or a regular sum certain, reimbursement of day care expenses shall be treated in the same manner as reimbursement for transportation costs, extraordinary health care, and other extraordinary expenses.

(b) For transportation costs, extraordinary health care costs, and other extraordinary expenses of the children specified in the decree, the parent paying these expenses shall be entitled to prompt reimbursement of the other parent's share of those expenses. Proof of the expenditure shall be furnished to the parent from whom reimbursement is sought. Reimbursement must be made promptly but not later than thirty days of receipt of proof of payment of these expenditures.

(3) (a) If reimbursement is not made within the thirty-day period or is incomplete due to a nonsufficient fund check or other failure to pay, the parent seeking reimbursement may by motion obtain an order compelling payment with statutory interest. If a parent requests proof of payment and it is not provided within thirty days the party may move to compel production of the documents. The court shall award actual court costs and reasonable attorneys' fees to the prevailing party in every motion filed under this section except upon a showing of good cause for nonpayment.

(b) Wage assignment orders may be obtained pursuant to chapter 26.18 RCW to collect court-ordered basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses, attorneys' fees, court costs, or any other item ordered by the court. A parent to whom basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses are to be paid based on a percentage share of the costs, may by motion obtain a court order reducing the amounts owed to a sum certain and then enforce collection of that amount by a wage assignment order.

Sec. 15. Section 2, chapter 164, Laws of 1971 ex. sess. as last amended by section 1, chapter 55, Laws of 1989 and by section 151, chapter 175, Laws of 1989 and RCW 74.20A.020 are each reenacted and amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

(1) 'Department' means the state department of social and health services.

(2) 'Secretary' means the secretary of the department of social and health services, his designee or authorized representative.

(3) 'Dependent child' means any person:

(a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or

(b) Over the age of eighteen for whom a court order for support exists.

(4) 'Support obligation' means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.

(5) 'Superior court order' means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of

support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.

(6) 'Administrative order' means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.

(7) 'Responsible parent' means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(8) 'Stepparent' means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist ~~((and continue)) until terminated as provided for in RCW 26.16.205 ((until the relationship is terminated by death or dissolution of marriage)).~~

(9) 'Support moneys' means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(10) 'Support debt' means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.

(11) 'State' means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the commonwealth of Puerto Rico.

Sec. 16. Section 24, chapter 460, Laws of 1987 as amended by section 18, chapter 375, Laws of 1989 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. ~~((Am))~~ Any action to modify any decree involving child custody, visitation, child support, or a parenting plan ~~((which was commenced after December 31, 1987))~~ shall be governed by the ~~((1987 revisions to))~~ provisions of this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

NEW SECTION. Sec. 17. A new section is added to chapter 26.18 RCW to read as follows:

(1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of the injured worker for whom the injured worker owes a duty of child support, the amount of compensation the department or self-insurer pays on behalf of the child or children shall be treated for all purposes as if the injured worker paid the compensation toward satisfaction of the injured worker's child support obligations.

(2) When the social security administration pays social security disability dependency benefits on behalf of or on account of the child or children of the disabled person, the amount of compensation paid for the children shall be treated for all purposes as if the disabled person paid the compensation toward satisfaction of the disabled person's child support obligation.

(3) Under no circumstances shall the person who has the obligation to make the transfer payment have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section.

Sec. 18. Section 17, chapter 460, Laws of 1987 and RCW 26.09.225 are each amended to read as follows:

Each parent shall have full and equal access to the education and ~~((medical))~~ health care records of the child absent a court order to the contrary.

Sec. 19. Section 3, chapter 275, Laws of 1988 as amended by section 76, chapter 175, Laws of 1989 and RCW 26.19.020 are each amended to read as follows:

~~((1))~~(a) Except as provided in (b) of this subsection, in any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to the child support schedule adopted pursuant to RCW 26.19.040:

(b)) If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the

appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty-five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.

~~((2) An order for child support shall be supported by written findings of fact upon which the support determination is based:~~

~~(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court or the presiding or reviewing officer when the child support obligation of each parent is determined.~~

~~(4) Worksheets in the form approved by the commission shall be completed and filed in every proceeding in which child support is determined. Variations of the worksheets shall not be accepted:~~

~~(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court or the presiding or reviewing officer shall order each parent to pay the amount of child support determined using the standard calculation:~~

~~(6) The court or the presiding or reviewing officer shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit. Agreement of the parties, by itself, is not adequate reason for deviation.))~~

Sec. 20. Section 2, chapter 440, Laws of 1987 as amended by section 5, chapter 275, Laws of 1988 and RCW 26.19.040 are each amended to read as follows:

~~((H)) The schedule proposed by the commission in its report dated January 26, 1988, shall take effect July 1, 1988. The schedule shall remain in effect until revised ((under this section: The commission shall review the schedule and propose changes as needed each even-numbered year:~~

~~(2) The commission shall review the schedule and recommended revisions based upon:~~

~~(a) Updated economic data which accurately reflects family spending and child rearing costs for families of different sizes and income levels in the state of Washington;~~

~~(b) Appropriate adjustments for significant changes in child rearing costs at different age levels;~~

~~(c) The need for funding of the child's primary residence by a payment which is sufficient to meet the basic needs of the child;~~

~~(d) Provisions for health care coverage and, when needed, child care payments; and~~

~~(e) The support amount shall be based on the child's age, the parent's combined income, and the family size. Family size shall mean all children for whom support is to be established.~~

~~(3) The commission shall establish standards for applying the child support schedule. Included in these standards shall be:~~

~~(a) The type, net or gross, and sources of income on which support amounts shall be based;~~

~~(b) Provisions for taking into account the voluntary unemployment or underemployment of one or both parents or if the income of a parent is not known; and~~

~~(c) Provisions for taking into account a parent whose income varies.~~

~~(4) Any proposed revisions to the schedule shall be submitted to the legislature no later than November 1st of each even-numbered year.~~

~~(5) If the commission fails to propose revisions to the schedule, the existing schedule shall remain in effect, unless the legislature refers the schedule to the commission for modification or adopts a different schedule. If the schedule is referred to the commission for modification, the provisions of subsection (7) of this section shall be applicable.~~

~~(6) The legislature may adopt the proposed schedule or refer the proposed schedule to the commission for modification. If the legislature fails to adopt or refer the proposed schedule to the commission by March 1 of the following year, the proposed schedule shall take effect without legislative approval on July 1 of that year.~~

~~(7) If the legislature refers the proposed schedule to the commission for modification on or before March 1st, the commission shall resubmit the proposed modifications to the legislature no later than March 15th. The legislature may adopt or modify the resubmitted proposed schedule. If the legislature fails to adopt or modify the resubmitted proposed schedule by April 1, the resubmitted proposed schedule shall take effect without legislative approval on July 1 of that year.))~~

Sec. 21. Section 25, chapter 183, Laws of 1973 1st ex. sess. as last amended by section 152, chapter 175, Laws of 1989 and RCW 74.20A.055 are each amended to read as follows:

(1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent

or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future for such period of time as the child or children of said responsible parent or parents are in need. The hearing shall be held pursuant to RCW 74.20A.055, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to file an application for an adjudicative proceeding. The application shall be served upon the department by registered or certified mail or personally. If no such application is made, the notice and finding of responsibility shall become final, and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely application is made, the execution of notice and finding of responsibility shall be stayed pending the entry of the final administrative order. If no timely written application has previously been made, the responsible parent may petition the secretary or the secretary's designee at any time for an adjudicative proceeding as provided for in this section upon a showing of good cause for the failure to make a timely application. The filing of the petition for an adjudicative proceeding after the twenty-day period shall not affect any collection action previously taken under this chapter. The granting of an application after the twenty-day period operates as a stay on any future collection action, pending entry of the final administrative order. Moneys withheld as a result of collection action in effect at the time of the granting of the application after the twenty-day period shall be delivered to the department and shall be held in trust by the department pending entry of the final administrative order. The department may petition the presiding or reviewing officer to set temporary current and future support to be paid beginning with the month in which the application after the twenty-day period is granted. The presiding or reviewing officer shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the child support schedule adopted under RCW 26.19.040. In the event the responsible parent does not make payment of the temporary current and future support as ordered by the presiding or reviewing officer, the department may take collection action pursuant to chapter 74.20A RCW during the pendency of the adjudicative proceeding or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the adjudicative proceeding shall be disbursed to the custodial parent or as otherwise appropriate when received by the department. If the final administrative order is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.

(3) Hearings may be held in the county of residence or other place convenient to the responsible parent. The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the need alleged. The notice and finding shall also include a statement of the name of the recipient or custodian and the name of the child or children for whom need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is alleged.

(4) The notice and finding shall include a statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future.

The notice and finding shall include a statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt shall be subject to collection action; a statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible

parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule adopted under RCW 26.19.040 in making these determinations, the presiding or reviewing officer shall comply with ~~((RCW 26.19.020 (4), (5), and (6)))~~ the restrictions set forth in chapter 26.19 RCW.

If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an initial decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action.

(6) The final order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order: PROVIDED, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the order previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.

(7) The presiding or reviewing officer shall order support payments under the child support schedule adopted under RCW 26.19.040.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) 'Need' as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the child support schedule adopted under RCW 26.19.040, shall be a rebuttable presumption of the alleged responsible parent's ability to pay and the need of the family: PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.

NEW SECTION, Sec. 22. (1) The administrator for the courts shall develop a child support order summary report form to provide for the reporting of summary information in every case in which a child support order is entered or modified either judicially or administratively. The administrator for the courts shall attempt to the greatest extent possible to make the form simple and understandable by the parties. The form shall indicate the following:

- (a) The county in which the order was entered;
- (b) Whether it was a judicial or administrative order;
- (c) Whether the order is an original order or from a modification;
- (d) The number of children of the parties and the children's ages;
- (e) The combined monthly net income of parties;
- (f) The monthly net income of the father as determined by the court;
- (g) The monthly net income of the mother as determined by the court;
- (h) The basic child support obligation for each child as determined from the economic table;
- (i) Whether or not the court deviated from the child support for each child;
- (j) The reason or reasons stated by the court for the deviation;
- (k) The amount of child support after the deviation;
- (l) Any amount awarded for day care;
- (m) Any other extraordinary amounts in the order;
- (n) Any amount ordered for postsecondary education;
- (o) The total amount of support ordered;
- (p) In the case of a modification, the amount of support in the previous order;
- (q) If the change in support was in excess of thirty percent, whether the change was phased in;
- (r) The amount of the transfer payment ordered;
- (s) Which parent was ordered to make the transfer payment; and
- (t) The date of the entry of the order.

(2) The administrator for the courts shall make the form available to the parties.

NEW SECTION, Sec. 23. A new section is added to chapter 26.09 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION. Sec. 24. A new section is added to chapter 26.10 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION. Sec. 25. The administrator for the courts shall develop not later than July 1, 1991, standard court forms for mandatory use by litigants in all actions commenced under chapters 26.09, 26.10, and 26.26 RCW effective January 1, 1992.

NEW SECTION. Sec. 26. A new section is added to chapter 26.09 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 27. A new section is added to chapter 26.10 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 28. A new section is added to chapter 26.26 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 29. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 440, Laws of 1987, section 4, chapter 275, Laws of 1988, section 41, chapter 360, Laws of 1989 and RCW 26.19.030; and

(2) Section 7, chapter 275, Laws of 1988 and RCW 26.19.060.

NEW SECTION. Sec. 30. (1) Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) The remainder of this act shall take effect July 1, 1990.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 26.09.100, 26.09.170, 26.09.175, 26.19.010, 26.19.050, 26.16.205, 26.09.909, 26.09.225, 26.19.020, 26.19.040, and 74.20A.055; reenacting and amending RCW 74.20A.020; adding new sections to chapter 26.19 RCW; adding a new section to chapter 26.18 RCW; adding new sections to chapter 26.09 RCW; adding new sections to chapter 26.10 RCW; adding a new section to chapter 26.26 RCW; creating new sections; repealing RCW 26.19.030 and 26.19.060; providing an effective date; and declaring an emergency."

Signed by Senators Nelson, Hayner: Representatives Appelwick, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed House Bill No. 2888 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6905 by Senator Lee

AN ACT Relating to employment discrimination; amending RCW 49.60.180; and reenacting and amending RCW 49.60.040.

Referred to Committee on Economic Development and Labor.

MOTION

At 9:32 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:17 a.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has concurred in the Senate amendment(s) to the following House Bills and has passed said bills as amended by the Senate:

HOUSE BILL NO. 1890,

SUBSTITUTE HOUSE BILL NO. 2421.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2413 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 2122 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: 2SSJR 8212

Relating to a constitutional amendment to allow current use valuation for property devoted to low-income housing.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the amendments by the House Committee on Housing, adopted on February 27, 1990, not be adopted and the bill be amended as follows:

On page 1, line 14, after "of" strike "property with buildings" and insert "properties with dwelling units"

Signed by Senators Lee, Murray, Smith; Representatives Todd, Leonard, Winsley.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Second Substitute Senate Joint Resolution No. 8212 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6434 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 6434

Enhancing bicycle safety.

March 7, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That all previous amendments not be adopted and the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

Bicycling is popular for all ages. Almost all families now have bicycles. Bicycling takes more skill than most people realize. Since bicyclists have a low profile in traffic and are unprotected, they need more defensive riding skills than motorists do.

A bicycle awareness program is created within the Washington state patrol. In developing the curriculum for the bicycle awareness program the patrol shall consult with the traffic safety commission and with bicycling groups currently providing bicycle safety education. The patrol shall conduct the program in conjunction with the safety education officer program and may use other law enforcement personnel and volunteers to implement the program for children in grades kindergarten through six. The patrol shall ensure that each safety educator presenting the bicycle awareness program has received specialized training in bicycle safety education and has been trained in effective defensive bicycle riding skills.

Sec. 2. Section 46.04.670, chapter 12, Laws of 1961 as amended by section 4, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.670 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, ~~((excepting))~~ including bicycles, but not including devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks, except that mopeds shall be considered vehicles or motor vehicles for the purposes of chapter 46.12 RCW, but not for the purposes of chapter 46.70 RCW, and bicycles shall not be considered vehicles for the purposes of chapter 46.12 or 46.70 RCW.

Sec. 3. Section 92, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.990 are each amended to read as follows:

Sections 1 through 52 and 54 through 86 of ~~((this amendatory act))~~ chapter 155, Laws of 1965 ex. sess. are added to chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 54, 55, and 63 as herein amended and RCW 46.48.012, 46.48.014, 46.48.015, 46.48.016, 46.48.023, 46.48.025, 46.48.026, 46.48.041, 46.48.046, 46.48.050, 46.48.060, 46.48.080, 46.48.110, 46.48.120, 46.48.150, 46.48.160, 46.48.340, 46.56.030, 46.56.070, 46.56.100, 46.56.130, 46.56.135, 46.56.190, 46.56.200, 46.56.210, 46.56.220, 46.56.230, 46.56.240, 46.60.260, 46.60.270, 46.60.330, and 46.60.340 shall be recodified as and be a part of said chapter. The sections of the new chapter shall be organized under the following captions: "OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS", "TRAFFIC SIGNS, SIGNALS AND MARKINGS", "DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING—USE OF ROADWAY", "RIGHT OF WAY", "PEDESTRIANS' RIGHTS AND DUTIES", "TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING", "SPECIAL STOPS REQUIRED", "SPEED RESTRICTIONS", "RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE BY VEHICLE", "STOPPING, STANDING AND PARKING", "MISCELLANEOUS RULES", and "OPERATION OF ~~((BICYCLES AND PLAY))~~ NONMOTORIZED VEHICLES". Such captions shall not constitute any part of the law.

NEW SECTION, Sec. 4. The installation of painted reflective stripes along the right edge of roadways can enhance both bicycle and pedestrian safety, but certain types of reflective materials, such as raised pavement markers can cause bicyclists to lose control of their vehicles and fall into the path of oncoming motor vehicle traffic. Therefore it is appropriate to develop uniform guidelines for the installation of reflective edgestripes along urban and rural arterials.

NEW SECTION, Sec. 5. A new section is added to chapter 47.36 RCW to read as follows:

The department of transportation shall, by January 1, 1991, adopt uniform edgestripping standards for principal and minor arterials and collector streets that do not have curbs or sidewalks and are inside urbanized areas or in other areas deemed appropriate by the department. Such arterial and collector streets shall be edgestriped in accordance with the standards by July 1, 1993. The standards shall not require edgestripping in any situation where the result would be a remaining lane width of eight feet, six inches or less.

For the purposes of this section, "urbanized area" means an area designated as such by the United States bureau of census and having a population of more than fifty thousand. Other jurisdictions which install edgestripping material shall do so in a manner not in conflict with the uniform state standard.

Sec. 6. Section 46.37.480, chapter 12, Laws of 1961 as last amended by section 6, chapter 227, Laws of 1988 and RCW 46.37.480 are each amended to read as follows:

(1) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

(2) No person shall operate any bicycle or motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds to both ears. This subsection does not apply to students and instructors participating in a Washington state motorcycle safety program.

(3) This section does not apply to authorized emergency vehicles.

NEW SECTION, Sec. 7. A new section is added to chapter 43.59 RCW to read as follows:

Bicycling is increasing in our state. What used to be simply a children's activity is now a common form of transportation and recreation for children, adults, and families. Increased bicycling has many benefits: It is healthy, nonpolluting, energy efficient, and does not cause wear to the road system. Bicycling is an enjoyable activity that people with a wide range of physical abilities can share. The creation of the state bicycle program specified in section 10 of this act is essential to further the benefits of bicycling to the residents of the state.

NEW SECTION, Sec. 8. A new section is added to chapter 43.59 RCW to read as follows:

(1) The Washington state traffic safety commission is responsible for the initiation and operation of a bicycle program.

(2) To assist the commission in the operation of the bicycle program, a full-time staff position of state bicycle coordinator is established.

(3) The state bicycle coordinator shall coordinate bicycle safety related programs and bicycle tourism programs in all state agencies, encourage the use of bicycling for transportation, assist the department of transportation, and the cities and counties of the state in prioritizing, programming, and developing bicycle-related projects.

NEW SECTION, Sec. 9. A new section is added to chapter 43.59 RCW to read as follows:

The state bicycle coordinator shall:

(1) Gather bicycle program information and resources;

(2) Plan bicycle programs;

(3) Work with other state agencies to develop bicycle programs;

(4) Provide assistance in revising and updating superintendent of public instruction and state patrol bicycle material;

(5) Develop a grant program to distribute funds to local agencies in areas with high bicycle accident rates to create bicycle programs;

(6) Promote the use of bicycle transportation in this state; and

(7) Promote the use of bicycle helmets and other bicycle safety equipment.

NEW SECTION, Sec. 10. A new section is added to chapter 46.61 RCW to read as follows:

(1) After July 1, 1991, it is unlawful:

(a) For a person under the age of sixteen years to operate or ride upon a bicycle not powered by motor on a state highway, county road, city street, or a public sidewalk adjacent to the foregoing unless wearing a protective helmet of a type certified to meet the requirements of standard Z-90.4 of the American National Standards Institute or such subsequent nationally recognized standard for bicycle helmet performance as the state patrol may adopt by rule. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the cycle is in motion;

(b) For a person to transport a person under the age of sixteen years upon a bicycle or any other cycle not powered by motor on a state highway, county road, city street, or a public sidewalk adjacent to the foregoing unless the person transported is wearing a helmet that meets the requirements in (a) of this subsection;

(c) For the guardian of a person under the age of sixteen years to knowingly allow that person to operate or ride upon a bicycle or any other cycle not powered by motor on a state highway, county road, city street, or a public sidewalk adjacent to the foregoing unless that person is wearing a helmet that meets the requirements in (a) of this subsection. For the purpose of this subsection, "guardian" means a parent, legal guardian, temporary guardian

including a babysitter, or any other person who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of sixteen years:

(d) For a person to sell or offer for sale a bicycle helmet that does not meet the requirements established by (a) of this subsection;

(e) For a person to rent a bicycle or cycle not powered by motor for use by a person known by the one renting to be under the age of sixteen years unless the person possesses a helmet that meets the requirements of (a) of this subsection, and the one renting is reasonably satisfied that the person will operate or ride upon the cycle while wearing such a helmet in the manner described in (a) of this subsection. For purposes of this subsection, it is the affirmative duty of persons renting bicycles or any other cycle not driven by motor to inquire concerning the age of persons who will operate or ride upon such cycles.

(2) Failure to comply with the requirements of this section does not constitute negligence. Neither failure to wear a bicycle helmet nor the permission of such failure to occur is admissible as evidence of negligence in any civil action.

(3) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when an operator of a bicycle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(4) The state patrol shall adopt rules to implement this section.

Sec. 11. Section 79, chapter 155, Laws of 1965 ex. sess. as last amended by section 6, chapter 55, Laws of 1982 and RCW 46.61.750 are each amended to read as follows:

(1) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780 or section 10 of this act.

(2) During the period from July 1, 1991, to July 1, 1992, a person violating section 10 of this act may be issued a written warning of the violation. Beginning July 1, 1992, a person violating section 10 of this act shall be issued a notice of traffic infraction under chapter 46.63 RCW.

(3) These regulations applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any bicycle path, subject to those exceptions stated herein.

NEW SECTION. Sec. 12. Section 1 of this act shall take effect September 1, 1990, but the chief of the Washington state patrol may take any action before that date to ensure that the section is implemented on its effective date. Sections 7 through 11 of this act shall take effect July 1, 1990."

On line 1 of the title, after "safety," strike the remainder of the title and insert "amending RCW 46.04.670, 46.61.990, 46.37.480, and 46.61.750; adding a new section to chapter 47.36 RCW; adding a new section to chapter 43.43 RCW; adding new sections to chapter 43.59 RCW; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing effective dates."

Signed by Senators Metcalfe, Bender; Representatives Todd, Bennett.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6434 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 1307 and has granted said committee the powers of Free Conference.

DENNIS KARRAS, Deputy Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: HB 1307

Revising assessment levels for equalizing personal property.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on House Bill No. 1307 read in on March 7, 1990.)

Signed by Senators Craswell, Niemi, Bailey; Representatives Wang, Phillips, Holland.

MOTION

Senator Nelson moved that the Report of the Free Conference Committee on House Bill No. 1307 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Report of the Free Conference Committee on House Bill No. 1307 be adopted.

The motion by Senator Nelson carried and the Report of the Free Conference Committee on House Bill No. 1307 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1307, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1307, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yeas: Senators Amondson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Anderson, Barr, Fleming - 3.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 1307, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Fleming was excused.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2378 and has granted said committee the powers of Free Conference.

DENNIS KARRAS, Deputy Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 2378

Changing the authority of educational service district boards with regard to the purchase and sale of property used for the operation of the educational service district.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Substitute House Bill No. 2378 read in on March 7, 1990.)

Signed by Senators Bailey, Lee; Representatives H. Sommers, Peery, Schoon.

MOTION

Senator Nelson moved that the Report of the Free Conference Committee on Substitute House Bill No. 2378 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Report of the Free Conference Committee on Substitute House Bill No. 2378 be adopted.

The motion by Senator Nelson carried and the Report of the Free Conference Committee on Substitute House Bill No. 2378 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2378, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2378, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Anderson, Barr - 2.

Excused: Senators Fleming, McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 2378, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Smith, Senator Anderson was excused.

There being no objection, the Senate resumed consideration of Senate Bill No. 6253, deferred March 7, 1990, after the Senate refused to concur in the House amendments.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Hansen moved to reconsider the vote by which the Senate did not concur in the House amendments to Senate Bill No. 6253.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, the bill report says the House amendments deny a private party the right to seek judicial relief. Do the House amendments take away any private property rights or the right of property owners to go to court to protect their property?"

Senator Patterson: "The House amendments speak only to the bill and the check list process which is established in the bill. Nothing in this bill detracts from or diminishes in any way the right of a person to go to court to protect existing constitutionally guaranteed property rights. The amendment merely says that this act does not grant any additional rights to go to court and argue about the process established in this bill. It does not affect existing rights."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Hansen to reconsider the vote by which the Senate did not concur in the House amendments to Senate Bill No. 6253.

The motion by Senator Hansen carried and the Senate will reconsider the vote by which the Senate did not concur in the House amendments to Senate Bill No. 6253.

MOTION

On motion of Senator Hansen, the motion to not concur in the House amendments to Senate Bill No. 6253 was withdrawn, on reconsideration.

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Senate Bill No. 6253, on reconsideration.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6253, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6253, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Amondson, Barr - 2.

Excused: Senators Anderson, Fleming - 2.

SENATE BILL NO. 6253, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6306 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 6306

Revising provisions for tenure at community colleges.

March 7, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That all previous amendments not be adopted and the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Improving the quality of instruction at our state institutions of higher education is a priority of the legislature. Recently, many efforts have been made by the legislature, the colleges, and the higher education coordinating board to assess and improve the quality of instruction received by students at our state institutions. It is the intent of the legislature that, in conjunction with these various efforts, the process for the award of faculty tenure at community colleges should allow for a thorough review of the performance of faculty appointees prior to the granting of tenure.

Sec. 2. Section 34, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.852 are each amended to read as follows:

The appointing authority shall promulgate rules and regulations implementing RCW 28B.50.850 through 28B.50.869 and shall provide for the award of faculty tenure following a probationary period not to exceed ~~((three consecutive regular college years))~~ nine consecutive college quarters, excluding summer quarter and approved leaves of absence: PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee. At the recommendation of the review committee and with the consent of the probationary faculty member and the appointing authority, the probationary period may be extended up to three additional college quarters.

NEW SECTION, Sec. 3. The state board for community college education, in consultation with appropriate faculty organizations, labor representatives, and the governing boards and administrations of local community college districts, shall conduct a thorough review and study of salaries for full and part-time faculty and administrators at community colleges. The state board shall report to the legislature by January 1, 1991, on the results of this study, including specific recommendations on salary levels, payments for increments and advancements, bargaining, and allocation of salary funds.

NEW SECTION, Sec. 4. Nothing contained in this act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

NEW SECTION, Sec. 5. Sections 1 and 2 of this act shall take effect July 1, 1990, and shall apply to all faculty appointments made by community colleges after June 30, 1990, but shall

not apply to employees of community colleges who hold faculty appointments prior to July 1, 1990.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "colleges;" strike the remainder of the title and insert "amending RCW 28B.50.852; creating new sections; and providing an effective date."

Signed by Senators Saling, Bauer, Amondson; Representatives Bennett, Jacobsen, Miller.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Substitute Senate Bill No. 6306 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2403 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 2403

Adding video telecommunication responsibilities to the department of information services.

March 5, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Substitute House Bill No. 2403 read in on March 7, 1990.)

Signed by Senators Thorsness, Madsen; Representatives Rector, Todd, McLean.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Substitute House Bill No. 2403 was adopted.

MOTION

On motion of Senator von Reichbauer, Senator Barr was excused.
Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Thorsness, one of the controversies that existed in this telecommunication bill was the question of whether or not we were going to subject students in the public schools in the state of Washington to force commercial advertising from those people that were providing video telecommunication materials to the school districts. How has that issue been resolved in this Free Conference Committee Report?"

Senator Thorsness: "The best that we could come up with on that, Senator Talmadge, and specifically we are talking about now, Whittle Channel One Communications, and the consensus that we were able to agree upon was that SPI will perform a study of this issue--the impact on schools of forced advertising, so to speak. Also, SPI, and we wrote it in the law, will encourage school districts that currently have not signed contracts, not to sign them until such time as the study is done. We could not come up with an agreement either to totally eliminate it or totally put a moratorium on it, so we put it in as strong as possible of discouraging those who are not signed up--and that is the majority."

Senator Talmadge: "So, there is nothing in this measure that precludes a school district from entering into a contract that would force students to view telecommunication advertising?"

Senator Thorsness: "There is not. We assume, hopefully, that every school district has conscientious school boards and as you know, I think there is something less than twenty that so far that have done that. It is currently up to the local school board. The state did not prohibit it by this law."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2403, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2403, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogtild, von Reichbauer, Warnke, Williams - 42.

Voting nay: Senators Fleming, Metcalf, Niemi, Talmadge, West, Wojahn - 6.

Excused: Senator Barr - 1.

SUBSTITUTE HOUSE BILL NO. 2403, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2426 and has granted said committee the powers of Free Conference.

DENNIS KARRAS, Deputy Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 2426

Revising provisions for employer contributions for unemployment compensation.

March 5, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Substitute House Bill No. 2426 read in on March 7, 1990.)

Signed by Senators Lee, McMullen, Matson: Representatives Vekich, Prentice, Smith.

MOTION

Senator Nelson moved that the Report of the Free Conference Committee on Substitute House Bill No. 2426 be adopted:

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Report of the Free Conference Committee on Substitute House Bill No. 2426 be adopted.

The motion by Senator Nelson carried and the Report of the Free Conference Committee on Substitute House Bill No. 2426 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2426, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2426, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Cantu - 1.

Excused: Senator Barr - 1.

SUBSTITUTE HOUSE BILL NO. 2426, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 2430

Revising provisions for motor vehicle warranties.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed Substitute House Bill No. 2403 read in on March 7, 1990.)

Signed by Senators von Reichbauer, McMullen: Representatives Dellwo, P. King, Smith.

MOTION

Senator Nelson moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2430 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2430 be adopted.

The motion by Senator Nelson carried and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2430 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2430, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2430, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse,

Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Hayner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:10 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 1307 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

March 8, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1597,

SUBSTITUTE HOUSE BILL NO. 2296,

HOUSE BILL NO. 2429,

HOUSE BILL NO. 2485,

HOUSE BILL NO. 2525,

HOUSE BILL NO. 2526,

SUBSTITUTE HOUSE BILL NO. 2644,

SUBSTITUTE HOUSE BILL NO. 2706,

SUBSTITUTE HOUSE BILL NO. 2792,

SUBSTITUTE HOUSE BILL NO. 2854,

HOUSE BILL NO. 2868,

SUBSTITUTE HOUSE BILL NO. 2906,

SUBSTITUTE HOUSE BILL NO. 2917,

SUBSTITUTE HOUSE BILL NO. 3007,

HOUSE JOINT MEMORIAL NO. 4030, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 8, 1990

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1323,

HOUSE BILL NO. 1724,

HOUSE BILL NO. 2253,

HOUSE BILL NO. 2272,

HOUSE BILL NO. 2290,

HOUSE BILL NO. 2291,

SUBSTITUTE HOUSE BILL NO. 2336,

SUBSTITUTE HOUSE BILL NO. 2342,

HOUSE BILL NO. 2362,

SUBSTITUTE HOUSE BILL NO. 2385,

HOUSE BILL NO. 2503,

HOUSE BILL NO. 2542,

HOUSE BILL NO. 2546,

SUBSTITUTE HOUSE BILL NO. 2576,

SUBSTITUTE HOUSE BILL NO. 2584,

SUBSTITUTE HOUSE BILL NO. 2609,

HOUSE BILL NO. 2714,

HOUSE BILL NO. 2840,

SUBSTITUTE HOUSE BILL NO. 2858,
 SUBSTITUTE HOUSE BILL NO. 2861,
 HOUSE BILL NO. 2882, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 8, 1990

Mr. President:

The Speaker has signed:

SENATE BILL NO. 6164,
 SUBSTITUTE SENATE BILL NO. 6764,
 SUBSTITUTE SENATE BILL NO. 6771,
 SECOND SUBSTITUTE SENATE BILL NO. 6780,
 SUBSTITUTE SENATE BILL NO. 6868,
 SUBSTITUTE SENATE BILL NO. 6880,
 SENATE JOINT MEMORIAL NO. 8017,
 SENATE JOINT MEMORIAL NO. 8023, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 8, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1824,
 SUBSTITUTE HOUSE BILL NO. 1825,
 SUBSTITUTE HOUSE BILL NO. 2327,
 HOUSE BILL NO. 2373,
 SUBSTITUTE HOUSE BILL NO. 2390,
 HOUSE BILL NO. 2411,
 SUBSTITUTE HOUSE BILL NO. 2463,
 HOUSE BILL NO. 2655,
 SUBSTITUTE HOUSE BILL NO. 2709,
 HOUSE BILL NO. 2716,
 HOUSE BILL NO. 2802,
 SUBSTITUTE HOUSE BILL NO. 2831,
 HOUSE BILL NO. 2832,
 HOUSE BILL NO. 2901,
 HOUSE BILL NO. 2911,
 SUBSTITUTE HOUSE BILL NO. 2935,
 SUBSTITUTE HOUSE BILL NO. 3001,
 SUBSTITUTE HOUSE BILL NO. 3002, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 8, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6031,
 SUBSTITUTE SENATE BILL NO. 6499, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5450 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5450

Providing for education in Pacific Rim languages.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That all previous amendments not be adopted and the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that it is important to the economic future of Washington state to promote international awareness and understanding. The legislature intends to complement the provisions of chapter 28A.125 RCW by encouraging high school students to study Pacific Rim languages, promote teacher exchanges with Pacific Rim nations, and allow nonimmigrant aliens to serve as exchange teachers for more than one year.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Washington state Pacific Rim language scholarship" means a scholarship awarded, for a period not to exceed one year, to a student proficient in speaking one of the following languages: Spanish, Russian, Chinese, and Japanese.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board.

(4) "Student" means a high school senior who is a proficient speaker of a Pacific Rim language, and who intends to enroll in an institution of higher education within one year of high school graduation.

NEW SECTION. Sec. 3. The Washington state Pacific Rim language scholarship program is created. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive the scholarships with the assistance of a screening committee composed of leaders in government, business, and education;

(2) Adopt necessary rules and guidelines;

(3) Publicize the program; and

(4) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 4. The board shall select up to four students yearly from each congressional district to receive a Washington state Pacific Rim scholarship from funds appropriated for this purpose. Of the four students selected, one student shall be a proficient speaker of Spanish, one of Russian, one of Japanese, and one of Chinese. Using measures as objective as possible, the board shall select students who have shown the most improvement in their ability to speak the language during their high school careers.

NEW SECTION. Sec. 5. Scholarships shall not exceed one thousand dollars per student. The scholarship shall not be disbursed to the student until the student is enrolled at an institution of higher education. The board may also use private donations or any other funds given to the board for this program to make additional scholarship awards.

NEW SECTION. Sec. 6. By October 30, 1995, the board shall report on the program to the governor and the house of representatives and senate committees on higher education. The report shall include a recommendation on whether to expand the number of languages included, and whether to expand the program to students in each legislative district.

Sec. 7. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 379, Laws of 1985 and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, and has declared his or her intention of becoming a citizen of the United States of America: PROVIDED FURTHER, That after a one year probationary period the superintendent of public instruction, at the request of the school district which employed such teacher on a permit, may grant to an alien whose qualifications have been approved by the state board of education a standard certificate to teach in the common schools of this state: PROVIDED FURTHER, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit to teach foreign language for a period to be defined by the superintendent of public instruction or a one-year temporary permit which is renewable (~~only once for no more than one year~~) to teach as an exchange teacher in the common schools of this state.

~~((Before such alien shall be granted a temporary permit he or she shall be required to subscribe to an oath or affirmation in writing as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them. All oaths or affirmations subscribed as herein provided shall be~~

~~filed in the office of the superintendent of public instruction and shall be there retained for a period of five years.))~~ Such permits shall at all times be subject to revocation by the superintendent of public instruction.

NEW SECTION, Sec. 8. Sections 2 through 6 of this act shall expire June 30, 1996, and no scholarships shall be granted after June 30, 1996.

NEW SECTION, Sec. 9. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall encourage school districts to establish exchange programs for teachers with schools in Pacific Rim nations.

NEW SECTION, Sec. 10. Sections 2 through 6 of this act shall constitute a new chapter in Title 28B RCW."

On page 1, line 1 of the title, after "languages;" strike the remainder of the title and insert "amending RCW 28A.67.020; adding a new section to Title 28A RCW; adding a new chapter to Title 28B RCW; creating a new section; and providing an expiration date."

Signed by Senators Bailey, Talmadge, Lee; Representatives Jacobsen, Spanel, Van Luven.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5450 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2602 and has granted said committee the powers of Free Conference Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: EHB 2602

Changing provisions relating to support services for adoption.

March 7, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed House Bill No. 2602 read in on March 7, 1990.)

Signed by Senators Smith, Patrick; Representatives Sayan, Hine, Moyer.

MOTION

Senator Smith moved that the Report of the Free Conference Committee on Engrossed House Bill No. 2602 be adopted.

POINT OF ORDER

Senator Owen: "Thank you, Mr. President, I would like to challenge--make a point of order--that the Free Conference Committee Report expands the scope and object of the bill as it left the Senate. Engrossed House Bill No. 2602, as it passed the Senate, provided that indigent women on general assistance can continue to receive that aid for six weeks following the birth of a baby they have given up for adoption. There was no mention of adoption training funding for agencies which provide pregnancy information and counseling--a reconsideration program for children and families involved in adoption was established. The Free Conference Committee Report greatly expands the scope and object of the bill by including those subjects and authorizing communication between adoptees, adopted parents and the birth parents and a major change in current state policy which was not part of the original bill. A new court process is provided to implement this new policy including procedures for modifications of court-ordered communications or non-communications. The Free Conference Report items referred to are sufficient

deviations from the bill, as it passed the Senate, and I believe they change the scope and object of Engrossed House Bill No. 2602."

MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 2602 was deferred.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 2603

Enhancing availability of medical care for children.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed Substitute House Bill No. 2603 read in on March 7, 1990.)

Signed by Senators Smith, Niemi, Amondson: Representatives Braddock, Vekich, Brooks.

MOTION

On motion of Senator Smith, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2603 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2603, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2603, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Kreidler, Sutherland, Talmadge - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Warnke was excused.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House refuses to recede from its amendments to SENATE BILL NO. 6559, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Senate Bill No. 6559.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill 6559, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6559, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senators Sellar, Talmadge - 2.

Excused: Senator Warnke - 1.

SENATE BILL NO. 6559, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 2932

Providing for regional water resource planning.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed Substitute House Bill No. 2932 read in on March 7, 1990.)

Signed by Senators Barr, Hansen, Newhouse; Representatives K. Wilson, R. Fisher, Miller.

MOTION

On motion of Senator Barr, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2932 was adopted.

MOTIONS

On motion of Senator Anderson, Senators Amondson, Bluechel and McCaslin were excused.

On motion of Senator Bender, Senator Talmadge was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2932, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2932, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson,

McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Bauer, Sellar - 2.

Excused: Senators Amondson, Bluechel, McCaslin, Talmadge, Warnke - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 8, 1990

I missed the votes on Engrossed Substitute House Bill No. 2603, Engrossed Substitute House Bill No. 2932 and Senate Bill No. 6559. I would have voted 'aye' on each bill.

SENATOR PHIL TALMADGE, 34th District

There being no objection, the President reverted the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John B. L. Pierce, appointed March 6, 1990, for a term ending October 25, 1995, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

March 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kris Kelly-Watkins, appointed March 6, 1990, for a term ending October 25, 1995, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5340 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5340

Regulating disbursements by escrow agents.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Substitute Senate Bill No. 5340 read in on March 7, 1990.)

Signed by Senators von Reichbauer, Warnke, Johnson: Representatives Dellwo, Zellinsky, Schmidt.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Substitute Senate Bill No. 5340 was adopted.

MOTIONS

On motion of Senator Anderson, Senator Sellar was excused.

On motion of Senator Bender, Senators Fleming and Vognild were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5340, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent, 2; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJamatt, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senators Hayner, Rinehart - 2.

Excused: Senators Amondson, Bluechel, Fleming, McCaslin, Sellar, Vognild - 6.

SUBSTITUTE SENATE BILL NO. 5340, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1323,
HOUSE BILL NO. 1724,
HOUSE BILL NO. 2253,
HOUSE BILL NO. 2272,
HOUSE BILL NO. 2290,
HOUSE BILL NO. 2291,
SUBSTITUTE HOUSE BILL NO. 2336,
SUBSTITUTE HOUSE BILL NO. 2342,
HOUSE BILL NO. 2362,
SUBSTITUTE HOUSE BILL NO. 2385,
HOUSE BILL NO. 2503,
HOUSE BILL NO. 2542,
HOUSE BILL NO. 2546,
SUBSTITUTE HOUSE BILL NO. 2576,
SUBSTITUTE HOUSE BILL NO. 2584,
SUBSTITUTE HOUSE BILL NO. 2609,
HOUSE BILL NO. 2714,
HOUSE BILL NO. 2840,
SUBSTITUTE HOUSE BILL NO. 2858,
SUBSTITUTE HOUSE BILL NO. 2861,
HOUSE BILL NO. 2882.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1597,
SUBSTITUTE HOUSE BILL NO. 2296.

HOUSE BILL NO. 2429.
 HOUSE BILL NO. 2485.
 HOUSE BILL NO. 2525.
 HOUSE BILL NO. 2526.
 SUBSTITUTE HOUSE BILL NO. 2644.
 SUBSTITUTE HOUSE BILL NO. 2706.
 SUBSTITUTE HOUSE BILL NO. 2792.
 SUBSTITUTE HOUSE BILL NO. 2854.
 HOUSE BILL NO. 2868.
 SUBSTITUTE HOUSE BILL NO. 2906.
 SUBSTITUTE HOUSE BILL NO. 2917.
 SUBSTITUTE HOUSE BILL NO. 3007.
 HOUSE JOINT MEMORIAL NO. 4030.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1824.
 SUBSTITUTE HOUSE BILL NO. 1825.
 SUBSTITUTE HOUSE BILL NO. 2327.
 HOUSE BILL NO. 2373.
 SUBSTITUTE HOUSE BILL NO. 2390.
 HOUSE BILL NO. 2411.
 SUBSTITUTE HOUSE BILL NO. 2463.
 HOUSE BILL NO. 2655.
 SUBSTITUTE HOUSE BILL NO. 2709.
 HOUSE BILL NO. 2716.
 HOUSE BILL NO. 2802.
 SUBSTITUTE HOUSE BILL NO. 2831.
 HOUSE BILL NO. 2832.
 HOUSE BILL NO. 2901.
 HOUSE BILL NO. 2911.
 SUBSTITUTE HOUSE BILL NO. 2935.
 SUBSTITUTE HOUSE BILL NO. 3001.
 SUBSTITUTE HOUSE BILL NO. 3002.

There being no objection, the Senate resumed consideration of the Report of the Free Conference Committee on Engrossed House Bill No. 2602, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Owen, the President finds that Engrossed House Bill No. 2602, as it passed the House, made changes in the law relating to support services for adoption, including authorizing an agreement with or contact between child adoptees, adoptive parents and birth parents. The Senate amended the bill by, among other things, removing the authority for such agreements.

"The proposed Free Conference Committee Report would amend the bill by reinstating the authority for agreements regarding communication with or contact between adoptees, adoptive parents, and birth parents.

"The President, therefore, finds that the amendment, as proposed by the Free Conference Committee, does not change the scope and object of the bill and the point of order is not well taken."

The Report of the Free Conference Committee on Engrossed House Bill No. 2602 was ruled in order.

The President declared the question before the Senate to be the adoption of the Report of the Free Conference Committee on Engrossed House Bill No. 2602.

Debate ensued.

The Report of the Free Conference Committee on Engrossed House Bill No. 2602 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2602, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2602, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bauer, Bender, DeJarnatt, Fleming, Gaspard, Johnson, Kreidler, Loe, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Patrick, Rinehart, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Nelson, Owen, Patterson, Rasmussen, Saling, Sellar, Stratton, West - 18.

Excused: Senators Amondson, McCaslin - 2.

ENGROSSED HOUSE BILL NO. 2602, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on SENATE BILL NO. 6408 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SB 6408

Adopting the supplemental transportation budget.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Senate Bill No. 6408 read in on March 7, 1990.)

Signed by Senators Patterson, Thorsness, Bender: Representatives R. Fisher, Cooper, Schmidt.

MOTION

Senator Patterson moved that the Report of the Free Conference Committee on Senate Bill No. 6408 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, you kind of caught me out of the control tower when you said that we now have forty-eight airplanes and we are buying one more. The last time I remember counting, we have about ten, and three of those were in Natural Resources, and a couple were out chasing fish. Do you have a complete list of the airplanes that we now own?"

Senator Patterson: "Well, I have some information, Senator, that I think would be helpful in answering your question."

Senator Rasmussen: "Well, maybe you could pass it around the Senate, so we could read it without reading the list."

Senator Patterson: "The list isn't that long. Currently, there are forty-eight owned and certified to fly by the state of Washington--aircraft. I should say, The Patrol owns seven of these planes--the State Patrol. Two are passenger airplanes and five are for traffic surveillance. That's the State Patrol's part of it. That's what's in this budget. I can't speak to all the other agencies that have planes, but take

seven away from forty-eight and there is an awful lot of airplanes being operated in this state by other agencies in state government. I happen to believe that this particular airplane that we are referring to is the most essential for the good services that the State Patrol provides for this state. Yes, it is going to be used by a lot of other agencies--the Governor's office. It will be amortized by everyone helping to pay for the amortization and the operation of this plane."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate adopt the Report of the Free Conference Committee on Senate Bill No. 6408.

The motion by Senator Patterson carried and the the Report of the Free Conference Committee on Senate Bill No. 6408 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6408, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6408, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smitherman, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 41.

Voting nay: Senators Kreidler, Saling, Stratton, Williams - 4.

Absent: Senators Smith, Sutherland - 2.

Excused: Senators Amondson, McCaslin - 2.

SENATE BILL NO. 6408, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 2077,

HOUSE BILL NO. 2288,

HOUSE BILL NO. 2312,

HOUSE BILL NO. 2475,

SECOND SUBSTITUTE HOUSE BILL NO. 2494,

HOUSE BILL NO. 2567,

SUBSTITUTE HOUSE BILL NO. 2801,

SUBSTITUTE HOUSE BILL NO. 2809,

SUBSTITUTE HOUSE BILL NO. 2907,

HOUSE BILL NO. 2988,

SUBSTITUTE HOUSE BILL NO. 2999,

HOUSE CONCURRENT RESOLUTION NO. 4438, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 2077,

HOUSE BILL NO. 2288,

HOUSE BILL NO. 2312,

HOUSE BILL NO. 2475,

SECOND SUBSTITUTE HOUSE BILL NO. 2494,

HOUSE BILL NO. 2567,

SUBSTITUTE HOUSE BILL NO. 2801,

SUBSTITUTE HOUSE BILL NO. 2809,

SUBSTITUTE HOUSE BILL NO. 2907,

HOUSE BILL NO. 2988,
 SUBSTITUTE HOUSE BILL NO. 2999,
 HOUSE CONCURRENT RESOLUTION NO. 4438.

MESSAGE FROM THE HOUSE

March 7, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 6418 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SSB 6418

Expanding rural health care opportunities.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Second Substitute Senate Bill No. 6418 read in on March 7, 1990.)

Signed by Senators West, Kreidler, Barr; Representatives Braddock, Kirby, Brooks.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Second Substitute Senate Bill No. 6418 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6418, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6418, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting ye: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Fleming, Smith, Sutherland - 3.

Excused: Senators Amondson, McCaslin - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6418, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Fleming was excused.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: E2SSB 6537

Providing for foster care reform and making appropriations.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed Second Substitute Senate Bill No. 6537 read in on March 7, 1990.)

Signed by Senators Smith, Niemi, Bailey; Representatives Sayan, Anderson, Silver.

MOTION

On motion of Senator Smith, the Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 6537 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6537, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6537, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Amondson, Fleming, McCaslin - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTION SENATE BILL NO. 6626 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 6626

Requiring an assessment of higher education needs of placebound students.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Substitute Senate Bill No. 6626 read in on March 7, 1990.)

Signed by Senators Saling, Bauer, von Reichbauer; Representatives Jacobsen, Heavey, Van Luven.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Substitute Senate Bill No. 6626 was adopted.

Debate ensued.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6626, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6626, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Metcalf - 1.

Absent: Senator Bluechel - 1.

Excused: Senators Amondson, Fleming, McCaslin, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 6626, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator McMullen the following resolution was adopted:

SENATE RESOLUTION 1990-8763

by Senators McMullen and Metcalf

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and
WHEREAS, Every April the tulips are in bloom celebrating the beginning of spring; and

WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and

WHEREAS, This year's seventh annual event will run from April 6 through April 22, with the festival focusing on Sedro Woolley, Burlington, Anacortes, LaConner, and Mount Vernon; and

WHEREAS, Nearly a half of a million people visited the festival last year, bringing pleasure and excitement to visitors and a strong economic impact to Skagit Valley; and

WHEREAS, Visitors will be overwhelmed by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow and by the fullness of life in the valley and its wonderful people; and

WHEREAS, The Taste of Skagit Food Fair, the Sousa Concert, the Paccar Open House, and the tenth annual 10K/Slug Run highlight the event;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute the five communities of Skagit County and the Chambers of Commerce for their pending Seventh Annual Skagit County Tulip Festival; and

BE IT FURTHER RESOLVED, That we commend those community leaders and corporate sponsors responsible for the success of this important event and that we encourage citizens from across Washington State to take the time to enjoy the Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the Washington State Senate issue this resolution in recognition of the Skagit Valley Tulip Festival, April 6 through 22, 1990.

MOTION

On motion of Senator Metcalf, the following resolution was adopted:

SENATE RESOLUTION 1990-8754

by Senator Metcalf

WHEREAS, Good local health care is necessary for a vital community; and

WHEREAS, Recognizing this, citizens of Whidbey Island began an immense effort in 1944, to provide Whidbey Island with a modern hospital; and

WHEREAS, That long effort resulted in the raising of private funds, voter approved funds and federal matching funds and the dream of a modern medical facility was realized on March 8, 1970, when the Whidbey General Hospital was dedicated; and

WHEREAS, The Whidbey General Hospital has continued to grow with the needs of the community through expansion of facilities, services, and quality of care; and

WHEREAS, The community has also continued to support the hospital with needed volunteer and financial efforts;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate wishes to extend its congratulations to the Whidbey General Hospital and to the community itself on the occasion of the Twentieth Anniversary of the hospital opening and also sends its encouragement for continued excellence in the years to come.

MOTION

On motion of Senator Newhouse, the twenty-four hour rule was suspended for Engrossed House Bill No. 2888, Engrossed Substitute Senate Bill No. 5450, Senate Bill No. 6303, Substitute Senate Bill No. 6306, Engrossed Substitute Senate Bill No. 6434, Engrossed Second Substitute Senate Bill No. 6610, Engrossed Substitute Senate Bill No. 6649 and Second Substitute Senate Joint Resolution No. 8212.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6663 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 6663

Authorizing special license plates and emblems.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Substitute Senate Bill No. 6663 read in on March 7, 1990.)

Signed by Senators Patterson, Rasmussen, Thorsness: Representatives R. Fisher, R. Meyers, Schmidt.

MOTION

On motion of Senator Patterson, the Report of the Free Conference Committee on Substitute Senate Bill No. 6663 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6663, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6663, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Bluechel, Matson - 2.

Excused: Senators Amondson, McCaslin, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 6663, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 6411 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESB 6411

Establishing an employment training program.

March 7, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed Senate Bill No. 6411 read in on March 7, 1990.)

Signed by Senators Lee, Saling Smitherman: Representatives Cantwell, Rector, Doty.

MOTION

Senator Lee moved that the Report of the Free Conference Committee on Engrossed Senate Bill No. 6411 be adopted.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I would like to raise the question of scope and object. That is under Senate Rule 66 and Article II, Section 38 of the Constitution. I would like to scope Section 1, on page 4, lines 1 thru 15. On line 4, they are declaring the intent of the bill before they have even had a study. That doesn't fit in with the original bill. Either the original bill or the House amendments did not declare intent. I would also, additionally, scope on page 6, lines 31 thru 38, where it says, 'The representatives of the Council of Vocational Technical Institutes shall consult with vocational technical institute directors, instructors, and advisory council members to prepare policies and plans to implement the recommendations.' I would like to point out that the representative of the Council of Vocational Technical Institute is a party by the name of Tim Strege, who is a lobbyist. That is the first time that I have seen it written in a bill that a lobbyist should have a say on what it is going on in the study.

"Then, I would like to additionally scope on page 11, sub (b), lines 32 thru 38. It is instructing the committee to make specific recommendations to the governing board that is not in the original bill. None of these parts of the bill that I am proposing to scope, Mr. President, were included in either the Senate Bill or the House Bill. I would urge you to take a look at that and see whether it is properly in this Free Conference Committee Report."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Engrossed Senate Bill No. 6411, as it passed the Senate, was a measure providing for, among other things, an advisory council on investment in human capital to assist the Office of Financial Management in a study and evaluation of employment and retraining services in our state. This study was to include, among other things, an inventory of the current training system and recommendations on the overall governance of vocational education in our state. The House amended the bill to add some more recommendations resulting from the study.

"The proposed Free Conference Committee Report does those things, adds an intent statement regarding vocational education governance, specifies responsibility for the vocational technical institutes' member of the advisory council and requires a specific recommendation from the Office of Financial Management study regarding vocational education governance. The President believes that these changes add specificity to the bill and deal with the subject matter of both Senate and House versions of this bill.

"The President, therefore, finds that the Report of the Free Conference Committee does not change the scope and object of the bill and that the point of order is not well taken."

The Report of the Free Conference Committee on Engrossed Senate Bill No. 6411 was ruled in order.

The President declared the question before the Senate to be the motion by Senator Lee to adopt the Report of the Free Conference Committee on Engrossed Senate Bill No. 6411.

The motion by Senator Lee carried and the Report of the Free Conference Committee on Engrossed Senate Bill No. 6411 was adopted.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6411, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6411, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Warnke, West, Williams - 38.

Voting nay: Senators Bluechel, Cantu, Hansen, Madsen, McDonald, Patrick, Rasmussen, von Reichbauer, Wojahn - 9.

Excused: Senators McCaslin, Vognild - 2.

ENGROSSED SENATE BILL NO. 6411, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:31 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:48 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 2378 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6417 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 6417

Adopting the supplemental capital budget.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That all previous amendments not be adopted and the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"ESS Rail Assis Acct" means essential rail assistance account;

"ESS Rail Bank Acct" means essential rail bank account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Devel Acct" means east campus development account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

~~("K-12 Education Acct" means the "children's initiative fund—K-12 education account" created by Initiative 102 if Initiative 102 is enacted;)~~

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account—Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account—Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account—Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvement Revolving Account—Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account—
State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"WSP Constr Acct" means Washington State Patrol Construction Account—State;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

PART 1

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Technical review of capital projects (90-5-010)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| General Fund—State | | 215,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 215,000 |

Sec. 102. Section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Northern state repairs (90-1-012)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.

(2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use and for electrical repairs.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|--------------------------|
| CEP & RI Acct | | 100,000 |
| St Bldg Constr Acct | | ((960,000)) |
| | | 1,244,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | ((1,060,000)) |
| | | 1,344,000 |

Sec. 103. Section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs and renovation, and light fixtures for the Temple of Justice (90-2-006)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|--------------------------|
| Cap Bldg Constr Acct | | 1,426,000 |
| St Bldg Constr Acct | | 223,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | 1,340,000 | ((2,766,000)) |
| | | 2,989,000 |

Sec. 104. Section 138, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multi-Service Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for ~~((the renovation of))~~ buildings to provide ~~((long-term))~~ care for the mentally ill consistent with chapter 205, Laws of 1989.

(2) No moneys from this appropriation may be expended until the department secures a lease with a county or a group of counties for ~~((the))~~ buildings ~~((to be renovated;))~~ for the purpose of operating a ~~((long-term care))~~ facility for the mentally ill consistent with chapter 205, Laws of 1989.

(3) No moneys from this appropriation may be expended prior to adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 2,500,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 2,500,000 |

NEW SECTION. Sec. 105. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Criminal justice training center

The appropriations in this section are subject to the following conditions and limitations:

(1) These appropriations are provided solely for the acquisition of and capital improvements to a multipurpose facility to be used by the criminal justice training commission for its educational programs and by other state agencies for meetings and other appropriate uses as determined by the department of general administration.

(2) The department shall negotiate a price for the property and make the balance of the appropriation available for improvements necessary for the facility to meet the educational needs of the criminal justice training commission.

| | Reappropriation | Appropriation |
|--------------------------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 5,000,000 |
| Public Safety Reimbursable Bond Acct | | 8,000,000 |
| Public Safety and Education Acct | | 3,000,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 16,000,000 |

NEW SECTION. Sec. 106. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

HVAC reappropriation (89-2-001)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | 274,000 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 274,000 |

Sec. 107. Section 142, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Constr watercraft supt training complex (86-1-003)

The appropriations in this section are subject to the following conditions and limitations:

~~((+))~~ The state building construction account appropriation is provided solely for the acquisition of a 50-year lease from the Port of Tacoma.

~~((2))~~ ~~The office of financial management shall not allot any portion of this appropriation unless it first determines that an agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state.~~

~~((3))~~ ~~It is the intent of the legislature that once the state owns the Ruston Way property, the property shall be available for sale in order to recover the cost of the 50-year lease.)~~

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| General fund—Federal | | 6,885,000 |
| St Bldg Constr Acct | | 1,300,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 1,640,000 | 5,500,000 | 15,324,000 |

PART 2

HUMAN SERVICES

NEW SECTION. Sec. 201. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian counseling and referral service (90-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for building renovation costs only.

(2) The Asian counseling and referral service shall continue to provide uncompensated community services.

| | Reappropriation | Appropriation |
|---------------------|-----------------|---------------|
| St Bldg Constr Acct | | 100,000 |

Prior Biennia

Future Biennia

Total
100,000

Sec. 202. Section 209, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

| | | |
|------------------------------------|--------------------------------------|---|
| Pub Works Asst Acct | Reappropriation 61,627,871 | Appropriation ((78,241,000)) 86,957,000 |
| <u>Prior Biennia</u> 32,446,397 | <u>Future Biennia</u> 168,562,493 | <u>Total</u> ((327,623,073)) 336,339,873 |

NEW SECTION. Sec. 203. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Klickitat dredge spoil spreading

The appropriation in this section is subject to the following conditions and limitations:

(1) The port of Klickitat shall sign an agreement to repay this appropriation plus simple interest at 7 percent in eight annual installments beginning July 1, 1993.

(2) Expenditure of moneys from this appropriation is contingent on \$300,000 from port district funds being provided for the project.

| | | |
|----------------------|----------------------------|--------------------------|
| St Bldg Constr Acct | Reappropriation 250,000 | Appropriation 250,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> 250,000 |

Sec. 204. Section 216, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia County Courthouse (89-4-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 is provided solely to repair and restore the Columbia county courthouse.

(2) The \$400,000 reappropriation shall be matched by \$700,000 in private donations and local funds from Columbia county.

(3) The \$200,000 appropriation shall be matched by ~~((an equal amount of))~~ \$100,000 in private donations and local funds from Columbia county.

| | | |
|----------------------|----------------------------|--------------------------|
| St Bldg Constr Acct | Reappropriation 400,000 | Appropriation 200,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> 600,000 |

Sec. 205. Section 203, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Endangered landmark buildings (88-2-009)

The appropriation in this section is subject to the following conditions and limitations:

~~(1) ((~~\$600,000~~ is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund))~~ \$50,000 of this appropriation may be used in conjunction with \$100,000 from the endangered landmark preservation fund for matching grants-in-aid under RCW 27.34.220.

~~(2) ((This appropriation is contingent on an equal amount being provided from nonstate sources on a project by project basis:~~

~~(3) If legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, any moneys remaining from the appropriation in this section shall lapse))~~ No portion of this appropriation may be expended unless an equal amount from nonstate sources is provided for the same purpose.

| | | |
|----------------------|--|---|
| St Bldg Constr Acct | Reappropriation ((600,000)) 350,000 | Appropriation 350,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> ((600,000)) 350,000 |

NEW SECTION. Sec. 206. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Preservation of historic community theaters

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to local governments to preserve historic community theaters.

(2) No portion of this appropriation may be expended unless an equal amount from non-state sources is provided for the same purpose.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 500,000 |
| | | <u>Total</u> |
| | | 500,000 |

NEW SECTION. Sec. 207. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Repair and renovation of the Seventh Street Theatre in Hoquiam

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the repair and renovation of an historic theatre in Hoquiam.

(2) No portion of this appropriation may be expended unless an equal amount from non-state sources is provided for the same purpose.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 250,000 |
| | | <u>Total</u> |
| | | 250,000 |

NEW SECTION. Sec. 208. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

A contemporary theater

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the construction of a new theater in Seattle.

(2) No portion of this appropriation may be expended unless at least \$9,000,000 from non-state sources, including the value of land, is provided for the same purpose. State and nonstate amounts shall be expended on a pro rata basis.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 1,000,000 |
| | | <u>Total</u> |
| | | 1,000,000 |

Sec. 209. Section 218, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

~~((Purchase of the Last Territorial Governor's House))~~ Rehabilitation of Liberty Theater

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this appropriation.

~~(2) ((A nonprofit organization shall be formed for the purpose of spending this appropriation and operating the territorial governor's house.~~

~~(3) The purchase price shall not exceed an independently appraised value))~~ The appropriation is provided solely for a grant to a nonprofit corporation for rehabilitation and restoration of the historic Liberty Theater building in Walla Walla.

(3) The owner of the building shall grant to the state an historic preservation easement prior to the expenditure of any funds from this appropriation.

(4) The nonprofit corporation shall submit to the director of community development, for the director's approval, a financial plan for the long-term operation of the building.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 200,000 |
| | | <u>Total</u> |
| | | 200,000 |

NEW SECTION. Sec. 210. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bremerton naval heritage redevelopment project

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for capital improvements to the naval destroyer U.S.S. Turner Joy, in conjunction with the Bremerton naval heritage redevelopment project.

(2) No portion of this appropriation may be expended unless an equal amount from non-state and nonfederal sources is expended for the same purpose.

(3) Prior to the expenditure of this appropriation, the recipient of the grant shall prepare and submit to the director of community development, for the director's approval, a financial

plan that identifies the revenue sources for the completion of the project and for the long-term operation of the project.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 256,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 256,000 |

NEW SECTION, Sec. 211. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane Falls community college athletic track

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be expended unless at least \$277,000 from nonstate sources is provided for the same purpose.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 450,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 450,000 |

NEW SECTION, Sec. 212. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane food bank freezer

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 150,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 150,000 |

NEW SECTION, Sec. 213. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Design and construct 24-bed residential facility to house juvenile sex offenders at Maple Lane school (90-5-001)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 1,256,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 1,256,000 |

NEW SECTION, Sec. 214. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate existing residential facility and construct perimeter fence at Echo Glen (90-5-002)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 956,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 956,000 |

Sec. 215. Section 234, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

~~((ESTC: Renovate residences to high school (88-1-318)))~~

Child Study and Treatment Center: design (88-1-318)

The appropriation in this section shall be subject to the following conditions and limitations: The building program shall be approved by the office of financial management prior to expenditure of funds for design.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | 160,000 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 165,000 | | 325,000 |

NEW SECTION, Sec. 216. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
Facilities master plan

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a facilities master plan for the correctional system to improve the efficiency of the system and to accommodate the increasing number and changing needs of the inmate population. Specific plans for women and geriatric inmates, a reception center, work release facilities, and time schedules for construction, shall be included in the master plan.

| | Reappropriation | Appropriation |
|---------------------|-----------------|---------------|
| St Bldg Constr Acct | | 200,000 |

Prior BienniaFuture Biennia

Total
200,000

Sec. 217. Section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center implement master plan (88-2-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) Moneys in this appropriation shall not be expended until the master plan has been submitted to the legislative fiscal committees and the office of financial management has reported to the committees that satisfactory progress has been made on receiving approval of the environmental impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.

(2) The department shall, to the maximum extent possible, employ inmate labor in the construction of this project.

| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
|---------------------|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | | | ((4,377,000)) |
| | | | 31,393,000 |
| | 621,000 | ((28,000,000)) | 77,120,000 |
| | | 45,106,000 | |

Sec. 218. Section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

~~((Clallam Bay corrections center double ceiling and program area renovations))~~ Clallam Bay corrections center expansion (90-5-026)

| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
|---------------------|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | | | ((4,071,000)) |
| | | | 25,301,000 |
| | | | 25,301,000 |
| | | | ((4,071,000)) |
| | | | 25,301,000 |

NEW SECTION. Sec. 219. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Open new inmate work camps (90-2-001)

The appropriation in this section is provided for the design and construction and/or acquisition of three 400-bed inmate work camps.

| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
|---------------------|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | | | 46,905,000 |
| | | | 46,905,000 |

NEW SECTION. Sec. 220. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington corrections center double-bunking (90-2-002)

| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
|---------------------|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | | | 173,000 |
| | | | 173,000 |

NEW SECTION. Sec. 221. Section 293, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 222. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Minimum security unit double-bunking (90-2-003)

| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
|---------------------|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | | | 1,210,000 |
| | | | 1,210,000 |

NEW SECTION. Sec. 223. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Twin Rivers corrections center double-bunking (90-2-004)

| | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
|---------------------|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | Reappropriation | Appropriation |
| | | | 2,981,000 |
| | | | 2,981,000 |

NEW SECTION, Sec. 224. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Medium security complex double-bunking (90-2-005)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 1,128,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 1,128,000 |

NEW SECTION, Sec. 225. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Clearwater/Olympic 100-bed expansion (90-2-006)

The appropriation in this section is subject to the following conditions and limitations: The department shall, to the maximum extent possible, employ inmate labor in the construction of this project.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 1,738,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 1,738,000 |

NEW SECTION, Sec. 226. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Cedar Creek corrections center 100-bed expansion (90-2-007)

The appropriation in this section is subject to the following conditions and limitations: The department shall, to the maximum extent possible, employ inmate labor in the construction of this project.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 1,637,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 1,637,000 |

NEW SECTION, Sec. 227. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Camp Labor Pool Funds

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for Clearwater/Olympic and Cedar Creek Corrections Centers.

(2) No moneys may be expended without prior approval of the office of financial management. It is anticipated that inmate labor will be available for use by the department. However, the office of financial management may approve expenditure of such amounts from this appropriation as are necessary upon a showing by the department that inmate labor is insufficient to complete 7.5 percent of each project.

(3) If the department requests any portion of this appropriation, it shall provide a report to the fiscal committees of the house of representatives and senate.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 229,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 229,000 |

NEW SECTION, Sec. 228. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

New medium security institution (90-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for the design and environmental impact statement of a prototypical 1,024-bed or larger institution, site acquisition, site preparation, and facility programming.

(2) In designing the institution, the department shall consider the long-range alternatives for prison expansion recommended in the department's population management and facilities plan.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 4,417,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | 97,859,000 | 102,276,000 |

NEW SECTION, Sec. 229. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Six and eight wing emergency capacity (90-2-014)

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 132,000 |
| | | <u>Total</u> |
| | | 132,000 |

NEW SECTION, Sec. 230. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Eastern Washington prerelease emergency capacity (90-2-015)

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 62,000 |
| | | <u>Total</u> |
| | | 62,000 |

NEW SECTION, Sec. 231. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Forestry camps 1 & 2: Expand from 200 to 300 beds (90-5-027)

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| Drug Enf & Ed Acct | | 4,820,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 7,106,000 |
| | | <u>Total</u> |
| | | 11,926,000 |

Sec. 232. Section 402, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of ~~((twenty one million three hundred five thousand dollars))~~ \$14,199,000, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, ~~((eight million eight hundred thousand dollars))~~ \$1,694,000 is for start-up and operational costs associated with ~~((the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act))~~ forestry camps 1 and 2. The remaining twelve million five hundred five thousand dollars is for the purpose of ~~((renovating or))~~ constructing ~~((additional facilities needed as a result of the new crimes and penalties))~~ forestry camps 1 and 2.

PART 3
NATURAL RESOURCES

NEW SECTION, Sec. 301. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Westhaven comfort station replacement (89-2-119)

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 423,000 |
| | | <u>Total</u> |
| | | 423,000 |

NEW SECTION, Sec. 302. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden, Balloon hangar (90-5-004)

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be expended unless at least \$1,100,000 from nonstate sources is provided for the same purpose. State and nonstate amounts shall be spent on a pro rata basis.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 500,000 |
| | | <u>Total</u> |
| | | 500,000 |

NEW SECTION, Sec. 303. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

John Wayne Trail—Tunnel 47 safety improvements (91-1-005)

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 196,000 |
| | | <u>Total</u> |
| | | 196,000 |

Sec. 304. Section 357, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Maryhill—Development (88-5-035)

The appropriation in this section is subject to the following conditions and limitations: Not more than \$75,000 may be used to contract with the department of community development to

conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | 1,025,798 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 50,202 | | 1,076,000 |

NEW SECTION, Sec. 305. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Colville Tribes Interpretive Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to the state parks and recreation commission to help the Confederated Tribes of the Colville Indian Reservation complete a plan for an interpretive center to depict the heritage of the eleven bands forming the federation and for a memorial to Chief Joseph.

(2) The commission shall submit the plan to the governor and the legislature.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| General Fund—State | | 25,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 25,000 |

Sec. 306. Section 320, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

West Hylebos—Acquisition and development (86-4-013)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by June 30, ~~((1990))~~ 1991.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | 195,595 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 177 | | 195,772 |

NEW SECTION, Sec. 307. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Ohme Gardens—Acquisition, safety, and irrigation improvements (89-5-169)

The appropriation in this section is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 765,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 765,000 |

NEW SECTION, Sec. 308. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Olympic Academy (91-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The expenditure of these funds shall not exceed 12 percent of the total project cost, including the value of donated property.

(2) This appropriation is contingent on the provision of an equal amount of money from city or county sources.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 3,000,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 3,000,000 |

Sec. 309. Section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access—Renovation (86-2-028)

The appropriations in this section are subject to the following conditions and limitations:

The appropriations shall lapse if construction has not begun by ~~((June 30, 1990))~~ March 31, 1991.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| ORA—Federal | 20,000 | |
| ORA—State | 191,000 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 211,000 |

Sec. 310. Section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Hood Canal boat access development (86-3-035)

The appropriations in this section are subject to the following conditions and limitations: If not expended by (~~June 30~~) December 31, 1990, the appropriations in this section shall lapse.

| | Reappropriation | Appropriation |
|-----------------------------|-----------------------|------------------------|
| ORA—Federal | 30,000 | |
| ORA—State | 270,000 | |
| <u>General Fund—Federal</u> | | <u>171,000</u> |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | ((360,000)) |
| | | <u>471,000</u> |

Sec. 311. Section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Columbia River—Fishing access (88-5-014)

The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if necessary permits have not been obtained by (~~December 31, 1989~~) June 30, 1990.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | 186,000 | |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| 129,000 | | 315,000 |

Sec. 312. Section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Wildlife area repair and development (90-2-016)

| | Reappropriation | Appropriation |
|------------------------------|-----------------------|------------------------|
| Wildlife Acct—State | | ((250,000)) |
| | | <u>265,000</u> |
| <u>Wildlife Acct—Federal</u> | | <u>45,000</u> |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | 500,000 | ((750,000)) |
| | | <u>810,000</u> |

NEW SECTION, Sec. 313. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Office repair/renovation/remodel (90-2-020)

The appropriation in this section is subject to the following conditions and limitations: There shall be no expenditure of funds related to the expansion, renovation, or remodeling of facilities in Olympia, with the exception of the remodel of the Olympia warehouse.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| Wildlife Acct—State | | 580,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 580,000 |

Sec. 314. Section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Regional Office Facilities Relocation—Purchase or Construct (90-2-021)

The appropriation in this section is subject to the following conditions and limitations: If the site selected for the new Spokane office is a site that was owned by the department as of January 1, 1990, \$75,000 of the appropriation shall lapse.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|------------------------|
| Wildlife Acct—State | | ((425,000)) |
| | | <u>1,610,000</u> |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | ((425,000)) |
| | | <u>1,610,000</u> |

NEW SECTION, Sec. 315. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy creek.

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$125,000 may be expended to determine the adequacy of water quality and supply, the appropriateness of the site, and the feasibility of the project. If the department determines that these conditions are favorable, the remainder of this appropriation may be expended for design, planning, and site work for the project.

| | | |
|----------------------|-----------------------|---------------|
| Wildlife Acct—State | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 500,000 |
| | | <u>Total</u> |
| | | 500,000 |

Sec. 316. Section 510, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Timber—Fish—Wildlife (88-2-021)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the orphan roads are not identified by September 30, 1989, and construction begun by (~~December 31, 1989~~) September 30, 1990.

| | | |
|----------------------|-----------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | 262,500 | <u>Total</u> |
| 37,500 | | 300,000 |

Sec. 317. Section 519, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation site renovation (89-3-001)

The appropriations in this section are subject to the following conditions and limitations: If not expended by (~~June~~) September 30, 1990, the appropriations in this section shall lapse.

| | | |
|----------------------|-----------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| ORA—State | 550,100 | |
| <u>Prior Biennia</u> | 561,100 | <u>Total</u> |
| 36,800 | | 1,148,000 |

NEW SECTION, Sec. 318. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

North Creek Regional Park

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for a grant for the acquisition and development of a regional park in Snohomish County.

(2) No entity may receive any portion of this appropriation unless it agrees to provide for the same purpose at least two dollars from nonstate sources for each one dollar from the appropriation.

| | | |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | Reappropriation | Appropriation |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 300,000 |
| | | <u>Total</u> |
| | | 300,000 |

NEW SECTION, Sec. 319. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Acquisition of wildlife conservation and recreation lands

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$26,500,000 of the appropriation from the habitat conservation account, hereby created in the state treasury, shall be expended in the following manner:

(i) At least thirty-five percent for the acquisition and development of critical habitat;

(ii) At least twenty percent for the acquisition and development of natural areas;

(iii) At least fifteen percent for the acquisition and development of urban wildlife habitat; and

(iv) The remaining amount shall be considered unallocated and shall be used by the committee to fund high-priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat;

(b) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under (a) (i), (ii), and (iv) of this subsection; and

(c) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under (a) (iii) and (iv) of this subsection.

(2) (a) \$26,500,000 of the appropriation from the outdoor recreation account shall be expended in the following manner:

(i) At least twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs;

(ii) At least twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(iii) At least fifteen percent for the acquisition and development of trails;

(iv) At least ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(v) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high-priority acquisition and development needs for parks, trails, and water access sites;

(b) Only local agencies may apply for acquisition, development, or renovation funds for local parks under (a)(ii) of this subsection;

(c) State and local agencies may apply for funds for trails under (a)(iii) of this subsection; and

(d) State and local agencies may apply for funds for water access sites under (a)(iv) of this subsection.

(3) This appropriation may not be used to transfer land from one state agency to another if that transfer will result in the transferred land being subject to payments for property tax or any consideration in lieu of property taxes.

(4) No portion of this appropriation may be expended for local projects unless an equal amount from nonstate sources is provided for the same purpose.

(5) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(6) Moneys appropriated under this section may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter.

(7) Moneys appropriated under this section may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(8) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Community support;

(ii) Immediacy of threat to the site;

(iii) Uniqueness of the site;

(iv) Diversity of species using the site;

(v) Quality of the habitat;

(vi) Long-term viability of the site;

(vii) Presence of endangered, threatened, or sensitive species;

(viii) Enhancement of existing public property;

(ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and

(x) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

(9) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(10) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(11) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

(i) Community support;

(ii) Immediacy of threat to the site;

(iii) Linkage between communities;

(iv) Linkage between trails;

(v) Existing or potential usage;

(vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;

(vii) Availability of water access or views;

(viii) Enhancement of wildlife habitat; and

(ix) Scenic values of the site.

(b) For water access proposals:

(i) Community support;

(ii) Distance from similar water access opportunities;

(iii) Immediacy of threat to the site;

(iv) Diversity of possible recreational uses; and

(v) Public demand in the area.

(12) The committee shall recommend to the governor a preliminary list of projects to be funded from this appropriation. The list shall include but not be limited to, a description of each project and shall describe any anticipated restrictions on recreational activities for the project.

After review and comment by the governor, the committee shall recommend a final list of projects for approval by the governor. If the governor removes a project from the list, the committee shall recommend a replacement for the removed project.

(13) Only projects on the final list approved by the governor under subsection (12) of this section may be funded from these appropriations.

| | Reappropriation | Appropriation |
|---------------------------|-----------------------|---------------|
| Habitat Conservation Acct | | 26,500,000 |
| ORA | | 26,500,000 |
| | | Total |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | 53,000,000 |

PART 4
EDUCATION

Sec. 401. Section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1989 (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.

(2) \$66,136,000 is provided solely for modernization projects previously approved by the state board of education. An additional \$26,892,000 is provided solely for modernization projects if at least \$40,000,000 is appropriated for school construction by the legislature by June 30, 1990, over and above the amounts appropriated for school construction in this act.

(3) The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in additional state bonds authorized by chapter 14, Laws of 1989 1st ex. sess. ~~((Of the proceeds of bonds authorized by chapter 14, Laws of 1989 1st ex. sess., \$6,000,000, or as much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.))~~

(4) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:

(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;

(b) The infrequency of cooperative use of surplus space available in neighboring districts;

(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;

(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization;

(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts;

(f) The potential of district boundary changes for the purpose of achieving more efficient use of facilities; and

(g) The potential of the state to recover its share of the value of sold school buildings that were built with state matching moneys.

Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.

(5) \$11,748,000 is provided solely for vocational-technical institute projects previously approved by the state board of education if at least \$40,000,000 is appropriated for school construction by the legislature by June 30, 1990, over and above the amounts appropriated for school construction in this act.

| | Reappropriation | Appropriation |
|---------------------------|-----------------------|---------------|
| Common School Constr Fund | | 252,097,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | Total |
| | | 252,097,000 |

Sec. 402. Section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

~~((Wheelchair lifts))~~ Outside elevators—Clark Hall, vocational, Northrup School (90-2-003)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | ((147,100)) |
| | | 297,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | Total |
| | | ((147,100)) |
| | | 297,000 |

NEW SECTION, Sec. 403. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

K-wing addition (90-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

(2) The University of Washington shall submit a value engineering report on the project to the legislative fiscal committees upon completion of thirty percent of the design of the project.

| | Reappropriation | Appropriation |
|-----------------------|-----------------------|---------------|
| Higher Ed Constr Acct | | 45,000,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 45,000,000 |

NEW SECTION, Sec. 404. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Physics building site prep

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | 3,623,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 3,623,000 |

NEW SECTION, Sec. 405. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Washington Higher Education Telecommunications System (WHETS)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,755,000 is provided solely to convert one of two analog channels to digital.

(2) \$94,000 is provided solely to equip one new WHETS classroom at the Southwest Washington branch campus.

(3) \$112,000 is provided solely for equipment necessary to offer nursing classes on the system.

(4) The appropriation is subject to compliance with section 919, chapter 12, Laws of 1989 1st ex. sess. (uncodified).

(5) Any expenditure under this appropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| WSU Bldg Acct | | 2,961,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 2,961,000 |

NEW SECTION, Sec. 406. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Seventh Street replacement (90-3-001)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| EWU Capital Projects | | 338,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 338,000 |

NEW SECTION, Sec. 407. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Minor works—Facilities renewal (90-3-002)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| EWU Capital Projects | | 1,167,000 |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 1,167,000 |

Sec. 408. Section 789, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Psychology animal research facility (90-1-060)

| | Reappropriation | Appropriation |
|----------------------|-----------------------|---------------|
| St Bldg Constr Acct | | (1,547,000) |
| <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | 2,147,000 |
| | | (1,547,000) |
| | | 2,147,000 |

Sec. 409. Section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Life safety—Code compliance (88-1-001)

| | | |
|---------------------|-----------------------------------|--|
| St Bldg Constr Acct | Reappropriation 172,000 | Appropriation ((819,000)) 1,175,000 |
| | <u>Prior Biennia</u> 1,012,000 | <u>Future Biennia</u> <u>Total</u> ((2,003,000)) 2,359,000 |

NEW SECTION. Sec. 410. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Failed systems: Exterior building reseal and campus activity building settling and deck recaulk

| | | |
|---------------------|----------------------------|--|
| St Bldg Constr Acct | Reappropriation 245,000 | Appropriation 245,000 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> <u>Total</u> 245,000 |

Sec. 411. Section 812, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Minor works request/small repairs and improvements (90-1-004)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$486,000 may be used to acquire property identified in the campus master plan.

| | | |
|-------------------|-----------------------------------|---|
| WWU Cap Proj Acct | Reappropriation 2,503,000 | Appropriation 3,900,000 |
| | <u>Prior Biennia</u> 8,948,481 | <u>Future Biennia</u> <u>Total</u> 12,000,000 27,351,481 |

NEW SECTION. Sec. 412. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE LIBRARY

Library for the Blind and Physically Handicapped planning costs

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature.

| | | |
|--------------------|---------------------------|---|
| General Fund—State | Reappropriation 75,000 | Appropriation 75,000 |
| | <u>Prior Biennia</u> | <u>Future Biennia</u> <u>Total</u> 75,000 |

PART 5
MISCELLANEOUS

NEW SECTION. Sec. 501. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

(1) The department of ecology may enter into a financial contract in the principal amount of \$53,000,000 plus financing costs and required reserves pursuant to chapter 39.94 RCW. This amount is for the acquisition of a Thurston county headquarters site, design, and construction.

(2) The Evergreen State College may enter into a financial contract in the principal amount of \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This amount is for expansion of the college activities building and the loan is to be repaid through student activity fees.

(3) Spokane community college may enter into a financial contract in the principal amount of \$75,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This amount is for conversion of an existing lease of a central storage facility for the college.

(4) Spokane community college may enter into a financial contract in the principal amount of \$161,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This amount is for conversion of an existing lease of a hangar at Fells field which houses a portion of an aircraft mechanics vocational training program.

NEW SECTION, Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 503. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "projects," strike the remainder of the title and insert "amending section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 138, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 142, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 209, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 216, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 203, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 218, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 234, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 402, chapter 271, Laws of 1989 (uncodified); amending section 357, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 320, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 510, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 519, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 789, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified); and amending section 812, chapter 12, Laws of 1989 1st ex. sess. (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex. sess. (uncodified); repealing section 293, chapter 12, Laws of 1989 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

Signed by Senators Sellar, Warnke, Bluechel; Representatives H. Sommers, Rasmussen, Schoon.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6417 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6664 and has granted said committee the powers of Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 6664

Amending the business license center act.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That all previous amendments not be adopted, and the bill be amended as follows:

On page 1, beginning on line 6, strike all of section 1

Reinsert the remaining sections consecutively and correct internal references accordingly.

On page 2, line 13, after "endorsements" strike "as well as a handling fee to be established by rule by the department to help defray the cost of issuing the master license" and insert "as well as the handling fee established under section 3 of this act"

On page 3, beginning on line 9, strike section 3 and insert:

"NEW SECTION. Sec. 3. A new section is added to chapter 19.02 RCW to read as follows: The department shall collect a handling fee of twelve dollars on each original master license issued. The handling fees collected under this section shall be deposited in the general fund."

On page 1, line 2 of the title, strike "19.02.030 and"

On page 1, line 3 of the title, strike "creating a new section" and insert "creating new sections"

Signed by Senators Lee, Smitherman, Anderson; Representatives Cantwell, Grant, Doty.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 6664 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SECOND SUBSTITUTE SENATE NO. 5516, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator West, the Senate refuses to concur, adheres to its position regarding the House amendments to Engrossed Second Substitute Senate Bill No. 5516, and once again asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE NO. 6255, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Nelson moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6255.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, the Supreme Court recently ruled that bus drivers could carry guns. There was no law against it. That is kind of a partial solution, isn't it--that they be allowed to carry guns?"

Senator Talmadge: "I don't know if it is a partial solution, Senator. I know that Metro has chosen to appeal that ruling to a higher appellate court. It may be something that some of the bus drivers want to do, but whether that is a satisfactory solution for that bus driver who is sitting on a bus on a 2:00 a.m. bus run and somebody comes aboard the bus and assaults them and they are only going to be guilty of simply assault instead of a Class C felony, I don't think that is adequate in the way of a penalty for that activity against a bus driver doing his or her job on a dangerous run."

Senator Rasmussen: "Well, I concur. Thank you."

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate do concur in the House amendments to Substitute Senate Bill No. 6255.

The motion by Senator Nelson carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6255.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6255, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6255, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Fleming, Smith - 2.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6255, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House receded from its amendments to SUBSTITUTE SENATE BILL NO. 6494 to page 5, line 6, and the title amendment and passed the bill with the remaining House amendments in which the Senate has concurred, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6494, without the House amendment on page 5, line 6, and the title amendment, but with the other House amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6494, without the House amendment on page 5, line 6, and the title amendment, but with the other House amendments, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Fleming, McDonald - 2.

Excused: Senators Amondson, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6494, without the House amendment on page 5, line 6, and the title amendment, but with the other House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Free Conference Committee Reports on the following bills and passed the bills as amended by the Free Conference Committees:

SUBSTITUTE HOUSE BILL NO. 2426,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430,

ENGROSSED HOUSE BILL NO. 2602,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: E2SSB 6610

Revising provisions for at-risk youth.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the following House Human Services Committee striking amendment, adopted March 2, 1990, be adopted; and that the floor amendments, adopted March 2, 1990, to the striking amendment also be adopted, but with the following changes to the floor amendments to the committee amendment:

On page 1, of the floor amendment to the committee amendment, after line 2, strike all material through line 28, on page 7;

and on page 12, of the floor amendment to the committee amendment, strike lines 7 through 9

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to:

- (1) Preserve, strengthen, and reconcile families experiencing problems with at-risk youth;
- (2) Provide a legal process by which parents who are experiencing problems with at-risk youth can request and receive assistance from juvenile courts in providing appropriate care, treatment, and supervision to such youth; and
- (3) Assess the effectiveness of the family reconciliation services program.

The legislature does not intend by this enactment to grant any parent the right to file an at-risk youth petition or receive juvenile court assistance in dealing with an at-risk youth. The purpose of this enactment is to create a process by which a parent of an at-risk youth may request and receive assistance subject to the availability of juvenile court services and resources. Recognizing that these services and resources are limited, the legislature intends that counties have the authority to impose reasonable limits on the utilization of juvenile court services and resources in matters related to at-risk youth. Any responsibilities imposed upon the department under this act shall be contingent upon the availability of funds specifically appropriated by the legislature for such purpose.

Sec. 2. Section 16, chapter 155, Laws of 1979 and RCW 13.32A.020 are each amended to read as follows:

This chapter shall be known and may be cited as the (~~Procedures for Families in Conflict~~) Family Reconciliation Act.

Sec. 3. Section 17, chapter 155, Laws of 1979 as amended by section 6, chapter 257, Laws of 1985 and RCW 13.32A.030 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;
- (4) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away; PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves;

(5) "At-risk youth" means an individual under the chronological age of eighteen years who:

(a) Is absent from home for more than seventy-two consecutive hours without consent of his or her parent;

(b) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or

(c) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse.

Sec. 4. Section 18, chapter 155, Laws of 1979 as amended by section 1, chapter 298, Laws of 1981 and RCW 13.32A.040 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth may request family reconciliation services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

Sec. 5. Section 19, chapter 155, Laws of 1979 as last amended by section 1, chapter 288, Laws of 1986 and RCW 13.32A.050 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

Sec. 6. Section 23, chapter 155, Laws of 1979 as amended by section 7, chapter 298, Laws of 1981 and RCW 13.32A.090 are each amended to read as follows:

(1) The person in charge of a designated crisis residential center or the department pursuant to RCW 13.32A.070 shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW 13.32A.080~~((2))~~ (3) that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW 13.32A.070.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home;

(e) Arrange transportation for the child to an alternative residential placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

Sec. 7. Section 26, chapter 155, Laws of 1979 and RCW 13.32A.120 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an alternative residential placement arrived at pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an alternative residential placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

(3) If a child and his or her parent cannot agree to the continuation of an alternative residential placement arrived at under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

Sec. 8. Section 27, chapter 155, Laws of 1979 as last amended by section 9, chapter 257, Laws of 1985 and RCW 13.32A.130 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays, from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours, excluding Saturdays, Sundays and holidays, from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the seventy-two hour period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement ((and)), the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of ((such a)) any alternative residential placement: PROVIDED, That at no time shall information regarding a parent's or child's rights be withheld if requested: PROVIDED FURTHER, That the department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating such services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of such statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of such statement.

Sec. 9. Section 28, chapter 155, Laws of 1979 as amended by section 10, chapter 298, Laws of 1981 and RCW 13.32A.140 are each amended to read as follows:

The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; ((and))

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent: ~~((and))~~

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 10. Section 29, chapter 155, Laws of 1979 as last amended by section 1, chapter 269, Laws of 1989 and RCW 13.32A.150 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment shall be aimed at family reconciliation and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under subsection (3) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

(3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

(a) The child is an at-risk youth as defined in this chapter;

(b) The petitioning parent has the right to legal custody of the child;

(c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and

(d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted or if there is good cause why they were not attempted. Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.

Sec. 11. Section 30, chapter 155, Laws of 1979 as amended by section 2, chapter 269, Laws of 1989 and RCW 13.32A.160 are each amended to read as follows:

(1) When a proper petition to approve an alternative residential placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a) Schedule a date for a fact-finding hearing; notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an alternative

residential placement petition; and (e) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of an alternative residential placement petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the alternative residential placement petition by the court. Any placement may be reviewed by the court within three court days upon the request of the juvenile or the juvenile's parent.

NEW SECTION. Sec. 12. (1) When a proper at-risk youth petition is filed by a child's parent under RCW 13.32A.120 or 13.32A.150, the juvenile court shall:

- (a) Schedule a fact-finding hearing and notify the parent and the child of such date;
- (b) Notify the parent of the right to be represented by counsel at the parent's own expense;
- (c) Appoint legal counsel for the child;
- (d) Inform the child and his or her parent of the legal consequences of the court finding the child to be an at-risk youth; and
- (e) Notify the parent and the child of their rights to present evidence at the fact-finding hearing.

(2) Unless out-of-home placement of the child is otherwise authorized or required by law, the child shall reside in the home of his or her parent or in an alternative residential placement approved by the parent. Upon request by the parent, the court may enter a court order requiring the child to reside in the home of his or her parent or an alternative residential placement approved by the parent.

(3) If upon sworn written or oral declaration of the petitioning parent, the court has reason to believe that a child has willfully and knowingly violated a court order issued pursuant to subsection (2) of this section, the court may issue an order directing law enforcement to take the child into custody and place the child in a juvenile detention facility or in a crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. If the child is placed in detention, a review shall be held as provided in RCW 13.32A.065.

(4) If both an alternative residential placement petition and an at-risk youth petition have been filed with regard to the same child, the proceedings shall be consolidated for purposes of fact-finding. Pending a fact-finding hearing regarding the petition, the child may be placed, if not already placed, in an alternative residential placement as provided in RCW 13.32A.160 unless the court has previously entered an order requiring the child to reside in the home of his or her parent. The child or the parent may request a review of the child's placement including a review of any court order requiring the child to reside in the parent's home. At the review the court, in its discretion, may order the child placed in the parent's home or in an alternative residential placement pending the hearing.

NEW SECTION. Sec. 13. (1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court may grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence. The court shall not enter such an order if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is granted, the court shall enter an order requiring the child to reside in the home of his or her parent or in an alternative residential placement approved by the parent.

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

(3) A dispositional hearing shall be held no later than fourteen days after the court has granted an at-risk youth petition. Each party shall be notified of the time and date of the hearing.

(4) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

NEW SECTION. Sec. 14. (1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

- (a) Regular school attendance;

- (b) Counseling;
- (c) Participation in a substance abuse treatment program;
- (d) Reporting on a regular basis to the department or any other designated person or agency; and

(e) Any other condition the court deems an appropriate condition of supervision.

(3) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled. The parent may request dismissal of an at-risk youth proceeding at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

(4) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

NEW SECTION. Sec. 15. (1) Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel for the child, advise the parent of the right to be represented by legal counsel at the review hearing at the parent's own expense, and notify the parties of their rights to present evidence at the hearing.

(2) At the review hearing, the court shall approve or disapprove the continuation of court supervision in accordance with the goal of assisting the parent to maintain the care, custody, and control of the child. The court shall determine whether the parent and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan.

(3) Court supervision of the child may not be continued past one hundred eighty days from the day the review hearing commenced unless the court finds, and the parent agrees, that there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection shall not exceed ninety days.

(4) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision would serve no useful purpose or that the parent is not cooperating with the court-ordered case plan. The court shall dismiss an at-risk youth proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 16. Section 14, chapter 298, Laws of 1981 as amended by section 4, chapter 269, Laws of 1989 and by section 16, chapter 373, Laws of 1989 and RCW 13.32A.250 are each reenacted and amended to read as follows:

(1) In all alternative residential placement proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of ~~((an alternative residential placement order))~~ a court order entered pursuant to this chapter. The court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a contempt of court as provided in chapter 7.21 RCW, subject to the limitations of subsection (2) of this section.

(3) The court may impose a fine of up to one hundred dollars and imprisonment for up to seven days, or both for contempt of court under this section.

(4) A child imprisoned for contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

NEW SECTION. Sec. 17. The department shall conduct a research study of the family reconciliation services program. The research study shall include the following information:

(1) A description of services offered in phase I and phase II and the effectiveness of these services;

(2) The number of youth and families served in family reconciliation services phase I and phase II and outcome of services provided to each youth and family;

(3) Nonclient parent and youth awareness of the family reconciliation services program and their perception of its effectiveness;

(4) The number of referrals to family reconciliation services from law enforcement, juvenile courts, schools, and community agencies and their perception of its effectiveness;

(5) Follow-up contact with a random sample of youth and families receiving family reconciliation services assistance and their perception of the effectiveness of family reconciliation services;

(6) The number of youth referred again after services were terminated and outcome of services provided;

(7) The number of youth and families offered services who refused them and the reason, if known;

(8) The number of youth and families who requested services but were denied based on: (a) Ineligibility or (b) services not available, including a list of those services requested but not available; and

(9) Recommendations for improving services to at-risk youth and families.

The department shall submit a preliminary report by January 1, 1991, and the full research study report by January 1, 1992, to the senate children and family services committee, and the house of representatives human services committee.

NEW SECTION. Sec. 18. Sections 12 through 15 of this act are each added to chapter 13.32A RCW.

NEW SECTION. Sec. 19. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.090, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, and 13.32A.160; reenacting and amending RCW 13.32A.250; adding new sections to chapter 13.32A RCW; and creating new sections."

On page 17, after line 20, insert the following:

"Sec. 21. Section 7, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 120, Laws of 1989, and by section 8, chapter 205, Laws of 1989 and by section 13, chapter 420, Laws of 1989 and RCW 71.05.020 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, including but not limited to a chronic failure or refusal to take required medications, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

- (9) "Department" means the department of social and health services of the state of Washington;
- (10) "Resource management services" has the meaning given in chapter 71.24 RCW;
- (11) "Secretary" means the secretary of the department of social and health services, or ~~(his)~~ the secretary's designee;
- (12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;
- (13) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;
- (14) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;
- (15) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;
- (16) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;
- (17) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;
- (18) "Antipsychotic medications," also referred to as "neuroleptics," means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders and currently includes phenothiazines, thioxanthenes, butyrophenone, dihydroindolone, and dibenzoxazipine.
- (19) "Developmental disability" means that condition defined in RCW 71A.10.020(2);
- (20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;
- (21) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct;
- (22) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;
- (23) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;
- (24) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:
- The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;
 - The conditions and strategies necessary to achieve the purposes of habilitation;
 - The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;
 - The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;
 - The staff responsible for carrying out the plan;
 - Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge from involuntary confinement, and a projected possible date for discharge from involuntary confinement; and
 - The type of residence immediately anticipated for the person and possible future types of residences.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 16, after line 13, insert the following:

*Sec. 22, Section 3, chapter 354, Laws of 1985 and RCW 71.34.030 are each amended to read as follows:

(1) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) A minor under thirteen years of age may only be admitted on the application of the minor's parent.

(b) A minor thirteen years or older may be voluntarily admitted by application of the parent. Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor if the minor is fifteen years or older.

(c) A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(d) Written renewal of voluntary consent must be obtained from the applicant and the minor (~~thirteen~~) fifteen years or older no less than once every twelve months.

(e) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor (~~thirteen~~) fifteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, (~~thirteen~~) fifteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional files a petition for initial detention within the time prescribed by this chapter."

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, strike "and 13.32A.160" and insert "13.32A.160, and 71.34.030"

On page 1, line 4 of the title, after "13.32A.250" insert "and 71.05.020"

Signed by Senators Smith, Niemi, Craswell; Representatives Sayan, O'Brien, Bowman.

MOTION

Senator Newhouse moved that the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6610 be adopted.

POINT OF INQUIRY

Senator Rasmussen: "Senator Craswell, as this bill is now constituted, will it allow the police to pick up those run-away youths?"

Senator Craswell: "Yes, it will if the parents petition the courts and the courts deem so."

Senator Rasmussen: "They have to petition the courts? They just can't pick up the kids on the street?"

Senator Craswell: "That's right. They can now, but they usually don't, because they can't do anything with them as far as holding them, but as the bill is written now, if the parents ask the court and the court checks out the home to make sure the child wasn't being abused in the home, then they can order--they can pick up--they can order that this child be picked up and order that this child be kept at home or institutionalized or put in drug treatment or whatever the court decides."

POINT OF INQUIRY

Senator Talmadge: "Senator Craswell, is there money in the budget to fund the programs that would be necessary to house the at-risk children that are identified in this bill?"

Senator Craswell: "There is about three quarters of a million dollars to carry out the fiscal impact of this. The children can be housed at home. The services are parents-pay type of services."

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I raise the question of scope and object with respect to the Conference Committee Report. The bill that we have before us, Mr. President, is one that relates to at-risk children. It still continues to retain in it a section of the bill pertaining to involuntary treatment of youth under the state's mental illness situation. It involves a change in the age at which children may be subject to that mental health involuntary treatment. I believe for that reason that the measure still continues to expand the scope and object of the original bill which dealt with at-risk youth."

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President already ruled Sections 20 and 21 as beyond the scope and object of the bill and in our ruling we made a message to the conferees that it was so and that these two sections were out. I am personally amazed that with that information sent to them that they would turn around and put it right back in, so your point is well taken."

The Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6610 was ruled out of order.

MOTION

On motion of Senator Newhouse, the Senate did not adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6610 and asks that the bill be returned to the conference committee for reconsideration.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

Under suspension of the rules, the House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5450 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5450

Providing for education in Pacific Rim languages.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed Substitute Senate Bill No. 5450, read in earlier today.)

Signed by Senators Bailey, Talmadge, Lee; Representatives Jacobsen, Spanel, Van Luven.

MOTION

Senator Bailey moved that the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5450 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5450.

The motion by Senator Bailey carried and the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5450 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5450, as amended by the Free Conference Committee under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5450, as amended by the Free Conference Committee under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Barr, Smitherman, Vognild - 3.

Excused: Senators Amondson, Matson, McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5450, as amended by the Free Conference Committee under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on SENATE BILL NO. 6303 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SB 6303

Enhancing pedestrian safety.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the

request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Senate Bill No. 6303, read in March 7, 1990.)

Signed by Senators von Reichbauer, Bender, Benitz; Representatives Bennett, R. Meyers, S. Wilson.

MOTION

Senator Nelson moved that the Report of the Free Conference Committee on Senate Bill No. 6303 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate adopt the Report of the Free Conference Committee on Senate Bill No. 6303.

The motion by Senator Nelson carried and the Report of the Free Conference Committee on Senate Bill No. 6303 was adopted.

MOTION

On motion of Senator Anderson, Senators Barr and Patterson were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6303, as amended by the Free Conference Committee under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6303, as amended by the Free Conference Committee under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senators Craswell, Rinehart, Smitherman, Vognild - 4.

Excused: Senators Amondson, Barr, Matson, Patterson - 4.

SENATE BILL NO. 6303, as amended by the Free Conference Committee under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

Under suspension of the rules, the House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6306 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 6306

Revising provisions for tenure at community colleges.

March 7, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Substitute Senate Bill No. 6306, read in earlier today.)

Signed by Senators Saling, Bauer, Amondson; Representatives Bennett, Jacobsen, Miller.

MOTION

On motion of Senator Saling, the Report of the Free Conference Committee on Substitute Senate Bill No. 6306 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6306, as amended by the Free Conference Committee under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6306, as amended by the Free Conference Committee under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; absent, 3; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hayner, Johnson, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Patrick, Rasmussen, Saling, Sellar, Stratton, Thorsness, von Reichbauer, West - 27.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Owen, Rinehart, Sutherland, Talmadge, Warnke, Williams, Wojahn - 17.

Absent: Senators Smith, Smitherman, Vogt - 3.

Excused: Senators Matson, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 6306, as amended by the Free Conference Committee under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6649 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 6649

Clarifying the status of Adopt-a-Highway signs.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed Substitute Senate Bill No. 6649, read in March 7, 1990.)

Signed by Senators Thorsness, Conner, Johnson; Representatives Prentice, Cooper, Walker.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 6649 was adopted.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6649, as amended by the Free Conference Committee under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6649, as amended by the Free Conference Committee under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 3; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Hansen - 1.

Absent: Senators Benitz, Smitherman, Vognild - 3.

Excused: Senators Matson, Patterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6649, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Gaspard was excused.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

Under suspension of the rules, the House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212 and has passed the joint resolution as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SSJR 8212

Relating to a constitutional amendment to allow current use valuation for property devoted to low-income housing.

March 6, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Second Substitute Senate Joint Resolution No. 8212, read in earlier today.)

Signed by Senators Lee, Murray, Smith; Representatives Todd, Leonard, Winsley.

MOTION

On motion of Senator Lee, the Report of the Free Conference Committee on Second Substitute Senate Joint Resolution No. 8212 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Joint Resolution No. 8212, as amended by the Free Conference Committee under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Joint Resolution No. 8212, as amended by the Free Conference Committee under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Gaspard, Matson, Patterson - 3.

SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212, as amended by the Free Conference Committee under suspension of the rules, was declared passed.

There being no objection, the President returned the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR
PROCLAMATION BY THE GOVERNOR
 No. 90-02

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1990 Regular Session will adjourn March 8, 1990, the 60th day of the session without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purposes of adequately addressing matters related to the Supplemental Budget for 1989-91, legislation designed to protect and preserve wetlands, legislation relating to "learning by choice" and "running start" enrollment option programs, the Family Independence program, legislation aiding the acquisition of wildlife habitat and outdoor recreation areas, expedited prison siting legislation, legislation relating to health cost containment and access, and bills in dispute as of the close of the Regular Session, such as growth management, local government financing of criminal justice, and teachers training teachers;

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the state of Washington on Friday, the 9th day of March, 1990, at 10:00 a.m.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia this 8th day of March, A.D., nineteen hundred and ninety.

BOOTH GARDNER, Governor

(Seal)

By the Governor:

RALPH MUNRO, Secretary of State

MOTION

At 6:10 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 7:06 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

SECOND REPORT OF CONFERENCE COMMITTEE

RE: EHB 2888

Establishing a new child support schedule.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Law and Justice amendments adopted, as amended, on February 27, 1990, be rejected, and the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 375, Laws of 1989 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court ~~((may))~~ shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined ~~((pursuant to the schedule adopted))~~ under chapter 26.19 RCW ~~((26.19.040))~~. The court may require periodic adjustments of support. The adjustment provision may be modified by the court due to economic hardship.

Sec. 2. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 416, Laws of 1989 and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsections (4) ~~((or)), (5), and (8)~~ of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the ~~((adopted child support schedule))~~ standard calculation as defined in section 4(6) of this act and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

(8) (a) Except as provided in (b) and (c) of this subsection, all child support decrees may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(b) Parents whose decrees are entered before the effective date of this act may petition the court for a modification after twelve months has expired from the entry of the decree or the most recent modification setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to (a) of this subsection.

(c) A party may petition for modification in cases of substantially changed circumstances, under subsection (1) of this section, at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a petition for modification under (a) of this subsection may be filed.

(d) If, pursuant to (a) of this subsection, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under (a) of this subsection may be filed.

(e) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to (a) of this subsection alleging that increase constitutes a substantial change of circumstances under subsection (1) of this section.

Sec. 3. Section 2, chapter 430, Laws of 1987 and RCW 26.09.175 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition ~~((and)), a supporting financial affidavit, and worksheets~~. The petition and affidavit shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition and affidavit, and a blank copy of a financial affidavit ~~and the worksheets~~ in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in

this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 and notice has been filed with the court, the summons, petition, ~~((and)) affidavit, and worksheets~~ shall also be served on the ~~((office of support enforcement))~~ attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer and completed financial affidavit and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 4. Section 2, chapter 275, Laws of 1988 and RCW 26.19.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) ~~((“Child support schedule” means the standards and economic table adopted by the commission;~~

~~((2) “Standards” means the standards for determination of child support which have been adopted by the commission, as modified by the legislature;~~

~~((3)) “Economic table” means the child support table for the basic support obligation which has been adopted by the child support commission effective July 1, 1989, except it does not include the references in that table to “standards”;~~

~~((4)) (2) “Worksheets” means the forms ~~((adopted))~~ developed by the ~~((commission))~~ administrator for the courts for use in determining the amount of child support;~~

~~((5)) (3) “Instructions” means the instructions ~~((adopted))~~ developed by the ~~((commission))~~ administrator for the courts for use in completing the worksheets;~~

~~((6)) (4) “Commission” means the Washington state child support schedule commission established by RCW 26.19.030; and~~

~~((7)) (5) “Basic child support obligation” means the monthly obligation determined from the economic table based on the parties combined monthly net income.~~

(6) “Standard calculation” means the amount of child support which is owed as determined from the worksheets before any deviation is considered.

(7) “Transfer payment” means the court ordered amount one parent is obligated to pay to the other parent for child support.

Sec. 5. Section 6, chapter 275, Laws of 1988 and RCW 26.19.050 are each amended to read as follows:

(1) The ~~((commission))~~ administrator for the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The ~~((commission))~~ administrator for the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrator for the courts ~~((in consultation with the commission;))~~ shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. ~~((The administrator shall not alter the design approved by the commission.))~~ The administrator may maintain a register of sources for approved worksheets.

(3) The administrator for the courts should explore methods to assist pro se parties and judges in the courtroom to calculate support payments through automated software, equipment, or personal assistance.

NEW SECTION. Sec. 6. A new section is added to chapter 26.19 RCW to read as follows:

(1) In any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to this chapter. The provisions of this chapter for determining child support and reasons for deviation therefrom shall be applied in the same manner by the court, presiding officers, and reviewing officers. References to the

court also incorporates the presiding and reviewing officers who administratively determine or enforce child support orders.

(2) An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation.

(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court when the child support obligation of each parent is determined. Tax returns for the preceding three years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(4) Worksheets in the form developed by the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the administrator for the courts.

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court shall order each parent to pay the amount of child support determined using the standard calculation.

(6) The court shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. The worksheet on which the order is based shall be initialed or signed by the judge and filed with the order.

NEW SECTION, Sec. 7. A new section is added to chapter 26.19 RCW to read as follows:

(1) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(2) Ordinary health care expenses are included in the economic table. Monthly health care expenses that exceed five percent of the basic support obligation shall be considered extraordinary health care expenses. Extraordinary health care expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(3) Day care and special child rearing expenses, such as tuition and long-distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(4) The court may exercise its discretion to determine the necessity for and the reasonableness of all amounts ordered in excess the basic child support obligation.

NEW SECTION, Sec. 8. A new section is added to chapter 26.19 RCW to read as follows:

(1) Except as otherwise provided in this section, monthly gross income for child support purposes shall include income from any source, including: Salaries, wages, commissions, deferred compensation, bonuses, mandatory overtime, dividends, interest, trust income, severance pay, annuities, capital gains, pension retirement benefits, social security retirement benefits, workers' compensation, unemployment benefits, and spousal maintenance that is actually received.

(2) Monthly gross income for the preceding year for child support purposes shall include income from voluntary overtime pay above one hundred sixty-eight hours per month, income from employment in excess of forty hours per week to the extent derived from a second job, nonrecurring bonuses, contract-related cash benefits, gifts, and prizes, except to the extent that income from those sources exceeds the average income from those sources for the second and third years preceding the commencement of the action under chapter 26.09, 26.10, or 26.26 RCW.

(3) The court shall deduct the following from gross income: Federal and state income taxes, federal insurance contributions act deductions, mandatory pension plan payments, mandatory union or professional dues, court-ordered spousal maintenance to the extent actually paid, up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the three consecutive years prior to the filing of the dissolution, and court-ordered payments of child support for children from other relationships to the extent actually paid. All items excluded from income shall be disclosed in the worksheet.

(4) The court may deduct normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

(5) The following resources shall be disclosed, shall not be included in gross income, and shall not be reason to deviate from the standard calculation: Aid to families with dependent children, supplemental security income, general assistance, veterans aid and attendance allowance, and food stamps.

(6) The following income shall be disclosed, shall not be included in gross income, but may be a reason to deviate from the standard calculation:

- (a) Income of a new spouse or income of other adults in the household;
- (b) Child support received from other relationships; and
- (c) Income excluded from subsection 2 of this section.

(7) (a) Children from relationships other than the relationship of the parties before the court shall not be counted for determining the number of children in the family for purposes of calculating the basic support obligation. The court may not consider, for purposes of deviation in calculating the amount of child support payable, any children for whom the court has allowed a deduction from gross income for court-ordered child support payments.

(b) The court may consider deviating from the presumptive basic support obligation when there are children from other relationships and the court has not allowed a deduction from gross income for payments of child support for those children pursuant to subsection (3) of this section. Deviations under this section from the presumptive basic support obligation due shall be based on consideration of the total circumstances of both households.

(8) The court shall consider the residential schedule and may deviate from the standard calculation if the child spends a substantial amount of time with the parent who is obligated to make the transfer payment. The court shall not use this subsection to restrict either parent's contact or visitation with the child or children.

Absent agreement between the parents, the parent seeking the adjustment based on contact with the child shall have the burden to show by a preponderance of the evidence the requested adjustment is consistent with the parent's actual past involvement with the child. The support payment should not be reduced if the reduction will result in insufficient funds in the house receiving the support to meet the basic needs of the child or the child is receiving aid to families with dependent children payments.

(9) Additional reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit as a result of the tax planning.

(10) The court shall enter findings which specify reasons for any deviations from the standard calculation made by the court.

(11) Agreement of the parties is not by itself adequate reason for deviation from the standard calculation.

(12) Neither parent's total child support obligation shall exceed fifty percent of net income unless good cause is shown. Good cause may include possession of substantial wealth, children with day care expenses, special medical, educational, psychological needs, and larger families.

(13) The court shall impute income to a parent when the parent is voluntarily underemployed or voluntarily unemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history. A parent shall not be deemed voluntarily underemployed as long as that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

NEW SECTION, Sec. 9. A new section is added to chapter 26.19 RCW to read as follows:

The child support schedule shall be advisory and not mandatory for postsecondary educational support. When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together. The child must be enrolled in school, actively pursuing a course of study, and in good academic standing as defined by the institution or the court-ordered postsecondary educational support may be automatically suspended during the period or periods the child fails to comply with these conditions. The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child. The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

NEW SECTION, Sec. 10. A new section is added to chapter 26.19 RCW to read as follows:

The parties may agree which parent is entitled to claim the child or children as dependents for federal income tax exemptions. The court may award the exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may divide the exemptions between the parties, alternate the exemptions between the parties, or both.

NEW SECTION, Sec. 11. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income is less than six hundred dollars, a support order not less than twenty-five dollars per month shall be entered for each parent, regardless of the

number of children. A parent's child support obligation shall not reduce his or her net income below the need standard for one person promulgated pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per month as required by this subsection or in cases where the court finds reasons for deviation under section 8(8) of this act. This section shall not be construed to require monthly substantiation of income.

(2) The presumptive basic support obligation shall be determined upon the combined monthly net income of the parents up to a cap of five thousand dollars combined net income per month. The table is not presumptive but advisory only for combined monthly net incomes above five thousand dollars.

NEW SECTION. Sec. 12. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income exceeds the highest combined monthly net income for which a presumptive amount of support is established, child support shall not be set at a level lower than that amount from the table but the court has discretion to establish support at higher levels upon written finding of fact.

(2) The provisions of this chapter shall apply to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

Sec. 13. Section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either of them, and ~~(in relation thereto)~~ they may be sued jointly or separately ~~((PROVIDED: That with regard to stepchildren, the obligation shall cease upon the termination of the relationship of husband and wife))~~. When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate the obligation to support the stepchildren. The obligation to support stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death.

NEW SECTION. Sec. 14. A new section is added to chapter 26.19 RCW to read as follows:

(1) Day care, extraordinary health care, long-distance transportation costs, and special child-rearing expenses such as tuition are not included in the basic support obligation for each child. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and may be listed as a specific dollar amount or as a percentage amount subject to the verification requirements pursuant to subsection (2) of this section.

(2) (a) If a sum certain is established for day care and is set forth in the decree, the parent making the transfer payment is entitled to proof of the amount paid for day care. The parent making the transfer payment is responsible for the appropriate percentage of the actual amount paid, not to exceed the proper share of the amount as set forth in the decree. The transfer payment for day care must be made in advance if the day care amount is set forth in the decree or is a regularly paid amount in a sum certain. If an amount is not specified in the decree or a regular sum certain, reimbursement of day care expenses shall be treated in the same manner as reimbursement for transportation costs, extraordinary health care, and other extraordinary expenses.

(b) For transportation costs, extraordinary health care costs, and other extraordinary expenses of the children specified in the decree, the parent paying these expenses shall be entitled to prompt reimbursement of the other parent's share of those expenses. Proof of the expenditure shall be furnished to the parent from whom reimbursement is sought. Reimbursement must be made promptly but not later than thirty days of receipt of proof of payment of these expenditures.

(3) (a) If reimbursement is not made within the thirty-day period or is incomplete due to a nonsufficient fund check or other failure to pay, the parent seeking reimbursement may by motion obtain an order compelling payment with statutory interest. If a parent requests proof of payment and it is not provided within thirty days the party may move to compel production of the documents. The court shall award actual court costs and reasonable attorneys' fees to the prevailing party in every motion filed under this section except upon a showing of good cause for nonpayment.

(b) Wage assignment orders may be obtained pursuant to chapter 26.18 RCW to collect court-ordered basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses, attorneys' fees, court costs, or any other item ordered by the court. A parent to whom basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses are to be paid based on a percentage share of the costs, may by motion obtain a court order reducing the amounts owed to a sum certain and then enforce collection of that amount by a wage assignment order.

Sec. 15. Section 2, chapter 164, Laws of 1971 ex. sess. as last amended by section 1, chapter 55, Laws of 1989 and by section 151, chapter 175, Laws of 1989 and RCW 74.20A.020 are each reenacted and amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

- (1) "Department" means the state department of social and health services.
- (2) "Secretary" means the secretary of the department of social and health services, his designee or authorized representative.
- (3) "Dependent child" means any person:
- (a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or
- (b) Over the age of eighteen for whom a court order for support exists.
- (4) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.
- (5) "Superior court order" means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.
- (6) "Administrative order" means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.
- (7) "Responsible parent" means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.
- (8) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist ~~((and continue))~~ until terminated as provided for in RCW 26.16.205 ~~((until the relationship is terminated by death or dissolution of marriage)).~~
- (9) "Support moneys" means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.
- (10) "Support debt" means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.
- (11) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the commonwealth of Puerto Rico.

Sec. 16. Section 24, chapter 460, Laws of 1987 as amended by section 18, chapter 375, Laws of 1989 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. ~~((Am))~~ Any action to modify any decree involving child custody, visitation, child support, or a parenting plan ~~((which was commenced after December 31, 1987;))~~ shall be governed by the ~~((1987 revisions to))~~ provisions of this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

NEW SECTION. Sec. 17. A new section is added to chapter 26.18 RCW to read as follows:

(1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of the injured worker for whom the injured worker owes a duty of child support, the amount of compensation the department or self-insurer pays on behalf of the child or children shall be treated for all purposes as if the injured worker paid the compensation toward satisfaction of the injured worker's child support obligations.

(2) When the social security administration pays social security disability dependency benefits on behalf of or on account of the child or children of the disabled person, the amount of compensation paid for the children shall be treated for all purposes as if the disabled person paid the compensation toward satisfaction of the disabled person's child support obligation.

(3) Under no circumstances shall the person who has the obligation to make the transfer payment have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section.

Sec. 18. Section 17, chapter 460, Laws of 1987 and RCW 26.09.225 are each amended to read as follows:

Each parent shall have full and equal access to the education and ~~((medical))~~ health care records of the child absent a court order to the contrary.

Sec. 19. Section 3, chapter 275, Laws of 1988 as amended by section 76, chapter 175, Laws of 1989 and RCW 26.19.020 are each amended to read as follows:

~~((1))~~ (a) Except as provided in (b) of this subsection, in any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to the child support schedule adopted pursuant to RCW 26.19.040.

~~(b))~~ If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty-five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.

~~((2))~~ An order for child support shall be supported by written findings of fact upon which the support determination is based:

~~(3)~~ All income and resources of each parent's household shall be disclosed and shall be considered by the court or the presiding or reviewing officer when the child support obligation of each parent is determined.

~~(4)~~ Worksheets in the form approved by the commission shall be completed and filed in every proceeding in which child support is determined. Variations of the worksheets shall not be accepted.

~~(5)~~ Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court or the presiding or reviewing officer shall order each parent to pay the amount of child support determined using the standard calculation.

~~(6)~~ The court or the presiding or reviewing officer shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit. Agreement of the parties, by itself, is not adequate reason for deviation.)

Sec. 20. Section 2, chapter 440, Laws of 1987 as amended by section 5, chapter 275, Laws of 1988 and RCW 26.19.040 are each amended to read as follows:

~~((1))~~ The ~~((schedule proposed by the commission in its report dated January 26, 1988))~~ economic table as defined in section 4 of this act shall take effect July 1, ~~((1988))~~ 1990. The ~~((schedule))~~ economic table shall remain in effect until revised ~~((under this section. The commission shall review the schedule and propose changes as needed each even-numbered year.~~

~~(2)~~ The commission shall review the schedule and recommended revisions based upon:

~~(a)~~ Updated economic data which accurately reflects family spending and child-rearing costs for families of different sizes and income levels in the state of Washington;

~~(b)~~ Appropriate adjustments for significant changes in child-rearing costs at different age levels;

~~(c)~~ The need for funding of the child's primary residence by a payment which is sufficient to meet the basic needs of the child;

~~(d)~~ Provisions for health care coverage and, when needed, child care payments; and

~~(e)~~ The support amount shall be based on the child's age, the parent's combined income, and the family size. Family size shall mean all children for whom support is to be established.

~~(3)~~ The commission shall establish standards for applying the child support schedule. Included in these standards shall be:

~~(a)~~ The type, net or gross, and sources of income on which support amounts shall be based;

~~(b)~~ Provisions for taking into account the voluntary unemployment or underemployment of one or both parents or if the income of a parent is not known; and

~~(c)~~ Provisions for taking into account a parent whose income varies;

~~(4)~~ Any proposed revisions to the schedule shall be submitted to the legislature no later than November 1st of each even-numbered year.

~~(5)~~ If the commission fails to propose revisions to the schedule, the existing schedule shall remain in effect, unless the legislature refers the schedule to the commission for modification or

adopts a different schedule. If the schedule is referred to the commission for modification, the provisions of subsection (7) of this section shall be applicable:

(6) The legislature may adopt the proposed schedule or refer the proposed schedule to the commission for modification. If the legislature fails to adopt or refer the proposed schedule to the commission by March 1 of the following year, the proposed schedule shall take effect without legislative approval on July 1 of that year.

(7) If the legislature refers the proposed schedule to the commission for modification on or before March 1st, the commission shall resubmit the proposed modifications to the legislature no later than March 15th. The legislature may adopt or modify the resubmitted proposed schedule. If the legislature fails to adopt or modify the resubmitted proposed schedule by April 1, the resubmitted proposed schedule shall take effect without legislative approval on July 1 of that year)) by the legislature.

Sec. 21. Section 25, chapter 183, Laws of 1973 1st ex. sess. as last amended by section 152, chapter 175, Laws of 1989 and RCW 74.20A.055 are each amended to read as follows:

(1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future for such period of time as the child or children of said responsible parent or parents are in need. The hearing shall be held pursuant to RCW 74.20A.055, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to file an application for an adjudicative proceeding. The application shall be served upon the department by registered or certified mail or personally. If no such application is made, the notice and finding of responsibility shall become final, and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely application is made, the execution of notice and finding of responsibility shall be stayed pending the entry of the final administrative order. If no timely written application has previously been made, the responsible parent may petition the secretary or the secretary's designee at any time for an adjudicative proceeding as provided for in this section upon a showing of good cause for the failure to make a timely application. The filing of the petition for an adjudicative proceeding after the twenty-day period shall not affect any collection action previously taken under this chapter. The granting of an application after the twenty-day period operates as a stay on any future collection action, pending entry of the final administrative order. Moneys withheld as a result of collection action in effect at the time of the granting of the application after the twenty-day period shall be delivered to the department and shall be held in trust by the department pending entry of the final administrative order. The department may petition the presiding or reviewing officer to set temporary current and future support to be paid beginning with the month in which the application after the twenty-day period is granted. The presiding or reviewing officer shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the child support schedule adopted under RCW 26.19.040. In the event the responsible parent does not make payment of the temporary current and future support as ordered by the presiding or reviewing officer, the department may take collection action pursuant to chapter 74.20A RCW during the pendency of the adjudicative proceeding or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the adjudicative proceeding shall be disbursed to the custodial parent or as otherwise appropriate when received by the department. If the final administrative order is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.

(3) Hearings may be held in the county of residence or other place convenient to the responsible parent. The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the need alleged. The notice and finding shall also include a statement of the name of the recipient or

custodian and the name of the child or children for whom need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is alleged.

(4) The notice and finding shall include a statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future.

The notice and finding shall include a statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt shall be subject to collection action; a statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule adopted under RCW 26.19.040 in making these determinations, the presiding or reviewing officer shall comply with (~~RCW 26.19.020 (4), (5), and (6)~~) the provisions set forth in chapter 26.19 RCW.

If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an initial decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action.

(6) The final order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order: PROVIDED, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the order previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.

(7) The presiding or reviewing officer shall order support payments under the child support schedule adopted under RCW 26.19.040.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) "Need" as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the child support schedule adopted under RCW 26.19.040, shall be a rebuttable presumption of the alleged responsible parent's ability to pay and the need of the family: PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.

NEW SECTION, Sec. 22. (1) The administrator for the courts shall develop a child support order summary report form to provide for the reporting of summary information in every case in which a child support order is entered or modified either judicially or administratively. The administrator for the courts shall attempt to the greatest extent possible to make the form simple and understandable by the parties. The form shall indicate the following:

- (a) The county in which the order was entered and the cause number;
- (b) Whether it was a judicial or administrative order;
- (c) Whether the order is an original order or from a modification;
- (d) The number of children of the parties and the children's ages;
- (e) The combined monthly net income of parties;
- (f) The monthly net income of the father as determined by the court;
- (g) The monthly net income of the mother as determined by the court;
- (h) The basic child support obligation for each child as determined from the economic table:
- (i) Whether or not the court deviated from the child support for each child;
- (j) The reason or reasons stated by the court for the deviation;
- (k) The amount of child support after the deviation;
- (l) Any amount awarded for day care;

- (m) Any other extraordinary amounts in the order;
- (n) Any amount ordered for postsecondary education;
- (o) The total amount of support ordered;
- (p) In the case of a modification, the amount of support in the previous order;
- (q) If the change in support was in excess of thirty percent, whether the change was phased in;
- (r) The amount of the transfer payment ordered;
- (s) Which parent was ordered to make the transfer payment; and
- (t) The date of the entry of the order.

(2) The administrator for the courts shall make the form available to the parties.

NEW SECTION. Sec. 23. A new section is added to chapter 26.09 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION. Sec. 24. A new section is added to chapter 26.10 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION. Sec. 25. The administrator for the courts shall develop not later than July 1, 1991, standard court forms for mandatory use by litigants in all actions commenced under chapters 26.09, 26.10, and 26.26 RCW effective January 1, 1992.

NEW SECTION. Sec. 26. A new section is added to chapter 26.09 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 27. A new section is added to chapter 26.10 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 28. A new section is added to chapter 26.26 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 29. Section 1, chapter 440, Laws of 1987, section 4, chapter 275, Laws of 1988, section 41, chapter 360, Laws of 1989 and RCW 26.19.030 are each repealed.

NEW SECTION. Sec. 30. (1) Sections 5 and 22 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) The remainder of this act shall take effect July 1, 1990.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "support," strike the remainder of the title and insert "amending RCW 26.09.100, 26.09.170, 26.09.175, 26.19.010, 26.19.050, 26.16.205, 26.09.909, 26.09.225, 26.19.020, 26.19.040, and 74.20A.055; reenacting and amending RCW 74.20A.020; adding new sections to chapter 26.19 RCW; adding a new section to chapter 26.18 RCW; adding new sections to chapter 26.09 RCW; adding new sections to chapter 26.10 RCW; adding a new section to chapter 26.26 RCW; creating new sections; repealing RCW 26.19.030; providing an effective date; and declaring an emergency."

Signed by Senators Nelson, Hayner: Representatives Appelwick, Padden.

MOTION

Senator Nelson moved that the Second Report of the Conference Committee on Engrossed House No. 2888 be adopted and the committee be granted the powers of Free Conference.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. Rule 11 of the Joint Rules states that it is required that the Free Conference Committee Report be on the desks of the members for a twenty-four hour period. While the Senate suspended Rule 11 with respect to the First Conference Committee Report, I guess the point of order I

raise is I believe the Senate must again suspend Rule 11 in order to consider this Second Conference Committee Report that is on the desk."

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, then, Mr. President. In order to place my point of order, would now be the time to place the point insofar as the Conference Committee Report is being considered or must I wait until such time as the adoption of the Free Conference Committee Report?"

REPLY BY THE PRESIDENT

President Pritchard: "You should wait until we do the Free Conference Committee Report."

The President declared the question before the Senate to be the motion by Senator Nelson that the Second Report of the Conference Committee on Engrossed House Bill No. 2888 be adopted and the committee be granted the powers of Free Conference.

The motion by Senator Nelson carried and the Second Report of the Conference Committee on Engrossed House Bill No. 2888 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

Under suspension of the rules, the House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6417 and has passed the bill as amended by the Free Conference Committee.

DENNIS KARRAS, Deputy Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 6417

Adopting the supplemental capital budget.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed Substitute Senate Bill No. 6417, read in earlier today.)

Signed by Senators Sellar, Warnke, Bluechel; Representatives H. Sommers, Rasmussen, Schoon.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 6417 was adopted.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6417, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6417, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; absent, 2; excused, 2.

Voting yea: Senators Amondson, Bailey, Bauer, Bender, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 40.

Voting nay: Senators Anderson, Barr, McCaslin, Metcalf, Wojahn - 5.

Absent: Senators Benitz, Conner - 2.

Excused: Senators Matson, Patterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6417, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

Under suspension of the rules, the House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6664 and has passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 6664

Amending the business license center act.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Substitute Senate Bill No. 6664, read in earlier today.)

Signed by Senators Lee, Smitherman, Anderson; Representatives Cantwell, Grant, Doty.

MOTION

On motion of Senator Lee, the Report of the Free Conference Committee on Substitute Senate Bill No. 6664 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6664, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6664, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Niemi - 1.

Absent: Senators Benitz, Conner - 2.

Excused: Senators Matson, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 6664, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senator Conner was excused.

On motion of Senator Anderson, Senator Benitz was excused.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House receded from its amendments of February 28 on ENGROSSED SUBSTITUTE SENATE BILL NO. 5545, suspended the rules, bumped the bill back to second reading for amendment, and passed the bill as amended on March 8 with the following amendments:

On page 1, line 17, after "commission" insert "and other duties assigned by the governor"

On page 2, after line 14, insert the following:

"Sec. 5. Section 2, chapter 299, Laws of 1986 and RCW 28C.10.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the ~~((commission))~~ state board for vocational education or its successor.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any location where an entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

Sec. 6. Section 3, chapter 299, Laws of 1986 and RCW 28C.10.030 are each amended to read as follows:

This chapter does not apply to:

(1) Bona fide trade, business, professional, or fraternal organizations sponsoring educational programs primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Entities offering education that is exclusively avocational or recreational;

(3) Education not requiring payment of money or other consideration if this education is not advertised or promoted as leading toward educational credentials;

(4) Entities that are established, operated, and governed by this state or its political subdivisions under Title 28A, 28B, or 28C RCW;

(5) Degree-granting programs in compliance with the rules of the higher education coordinating board;

(6) Any other entity to the extent that it has been exempted from some or all of the provisions of this chapter under RCW 28C.10.100;

(7) Entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications;

(8) Entities offering only courses certified by the federal aviation administration;

(9) Barber and cosmetology schools licensed under chapter 18.16 RCW;

(10) Entities which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW; and

(11) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days.

Sec. 7. Section 5, chapter 299, Laws of 1986 as amended by section 3, chapter 459, Laws of 1987 and RCW 28C.10.050 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for private vocational schools. The minimum standards shall include, but not be limited to, requirements for each school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.17 RCW((:));

(b) Follow a uniform state-wide cancellation and refund policy as specified by the agency((:));

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required((:));

(d) Use an enrollment contract or agreement that includes: (i) The cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency((:));

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed((:));

(f) Comply with the requirements of RCW 28C.10.084((:));

((2)) (g) Assess the basic skills and relevant aptitudes of each potential student to determine that a potential student has the basic skills and relevant aptitudes necessary to complete and benefit from the program in which the student plans to enroll. Guidelines for such assessments shall be developed by the agency, in consultation with the schools. The method of assessment shall be reported to the agency. Assessment records shall be maintained in the student's file;

(h) Discuss with each potential student the potential student's obligations in signing any enrollment contract and/or incurring any debt for educational purposes. The discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given employment opportunities and average starting salaries in the potential student's chosen occupation.

(2) Any enrollment contract shall have an attachment in a format provided by the agency. The attachment shall be signed by both the school and the student. The attachment shall stipulate that the school has complied with subsection (1)(h) of this section and that the student understands and accepts his or her responsibilities in signing any enrollment contract or debt application. The attachment shall also stipulate that the enrollment contract shall not be binding for at least five days, excluding Sundays and holidays, following signature of the enrollment contract by both parties.

(3) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards.

Sec. 8. Section 1, chapter 459, Laws of 1987 and RCW 28C.10.084 are each amended to read as follows:

(1) The agency shall establish, maintain, and administer a tuition recovery fund. All funds collected for the tuition recovery fund are payable to the state for the benefit and protection of any student or enrollee of a private vocational school licensed under this chapter, or, in the case of a minor, his or her parents or guardian, for purposes including but not limited to the settlement of claims procedures under subsection (9) of this section and RCW 28C.10.120. The fund shall be liable for settlement of claims and costs of administration but shall not be liable to pay out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140. No liability accrues to the state of Washington from claims made against the fund.

(2) To be and remain licensed under this chapter each entity shall, in addition to other requirements under this chapter, make cash deposits into a tuition recovery fund as a means to assure payment of claims brought under this chapter. The fund shall be initially capitalized at two hundred thousand dollars and shall achieve an operating balance of at least one million dollars within five years after May 18, 1987, as required under subsection (5) of this section.

(3) The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be established by the agency, based on an incremental scale that recognizes the average amount of unearned prepaid tuition in possession of the entity. However, the minimum amount of liability for any entity shall not be less than five thousand dollars and the maximum amount shall not exceed two hundred thousand dollars. Such limitation on each entity's liability remains unchanged by single or cumulative disbursements made on behalf of the entity. The upper limit of liability is reestablished following the settlement of any claim.

(4) Within sixty days after any entity deposits its initial contribution into the fund, the agency shall release whatever surety such entity had previously filed. Thereupon, the tuition recovery fund shall be liable for a period of one year following the date such surety is released with respect to prior claims against the surety. However, the liability of the fund is limited to the amount of and subject to the defenses of that released surety as though it had remained on file with the agency. The fund's liability with respect to each entity that makes an

initial deposit into the fund commences on that date and ceases one year from the date it is no longer licensed under this chapter.

(5) The agency shall adopt by rule a matrix for calculating the deposits into the fund required of each entity. Proration shall be determined by factoring the entity's share of liability in proportion to the aggregated liability of all participants under the fund by grouping such prorations under the incremental scale created in subsection (3) of this section. Expressed as a percentage of the total liability, that figure determines the amount to be contributed when factored into a fund containing one million dollars. The total amount of its prorated share, minus the amount paid for initial capitalization, shall be payable in ten equal increments over a five-year period, commencing with the sixth month after May 18, 1987. Additionally, the agency shall require deposits for initial capitalization, under which the amount each entity deposits is proportionate to its share of two hundred thousand dollars, employing the matrix developed under this subsection. The amount thus established shall be deposited by each licensee of record, within thirty days after May 18, 1987, and a like amount shall be deposited by each subsequent applicant for licensing before the issuance of such license.

(6) No vested right or interests in deposited funds is created or implied for the depositor, either at any time during the operation of the fund or at any such future time that the fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The agency shall maintain the fund, collect deposits when due by serving appropriate notices to affected entities, and make disbursements to settle claims. When the deposits total five million dollars and the history of disbursements so warrants, the agency may at its own option reduce the schedule of deposits whether as to time, amount, or both. When such level is achieved, the agency may also entertain proposals from among the licensees with regard to disbursing surplus funds for such purposes as vocational scholarships.

(7) The agency shall make determinations based on annual financial data supplied by the entity whether the increment assigned to that entity on the incremental scale established under subsection (5) of this section has changed. If an increase or decrease has occurred, a corresponding change in its incremental position and contribution schedule shall be made before the date of its next scheduled deposit into the fund.

(8) If fifty-one percent or more of the ownership interest in an entity is conveyed through sale or other means into different ownership, the contribution schedule of the prior owner is canceled. All contributions made to the date of transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant.

(9) To settle complaints adjudicated under RCW 28C.10.120 and claims resulting ~~((from closure of an entity))~~ when a private vocational school ceases to provide educational services, the agency may make disbursements from the fund. In addition to the processes described under RCW 28C.10.120 for handling complaints, the following additional procedures are established to deal with school closures:

(a) The agency shall attempt to notify all potential claimants. The absence of records and other circumstances may make it impossible or unreasonable for the agency to ascertain the names and whereabouts of each potential claimant but the agency shall make reasonable inquiries to secure that information from all likely sources. The agency shall then proceed to settle the claims on the basis of information in its possession. The agency is not responsible or liable for claims or for handling claims that may subsequently appear or be discovered.

(b) Thirty days after identified potential claimants have been notified, if a claimant refuses or neglects to file a claim verification as requested in such notice, the agency shall be relieved of further duty or action on behalf of the claimant under this chapter.

(c) After verification and review, the agency may disburse funds from the tuition recovery fund to settle or compromise the claims. However, the liability of the fund for claims against the closed entity shall not exceed that total amount of the contribution schedule assigned to that entity under subsection (5) of this section.

(d) The agency shall seek to recover such disbursed funds from the assets of the defaulted entity, including but not limited to asserting claims as a creditor in bankruptcy proceedings.

(10) When funds are disbursed to settle claims against a current licensee, the agency shall make demand upon the licensee for recovery. The agency shall adopt schedules of times and amounts acceptable for effecting recoveries. An entity's failure to perform subjects its license to suspension or revocation under RCW 28C.10.050 in addition to any other available remedies.

(11) A minimum operating balance of two hundred thousand dollars shall be maintained in the fund. If disbursements reduce the balance below two hundred thousand dollars, each participating entity shall be assessed a prorata share of the deficiency created, based upon the incremental scale created under subsection (5) of this section. The agency shall promptly adopt schedules of times and amounts acceptable for affecting payments of assessments.

Sec. 9. Section 11, chapter 299, Laws of 1986 and RCW 28C.10.110 are each amended to read as follows:

It is an unfair business practice for a private vocational school or agent to:

(1) Fail to comply with the terms of a student enrollment contract or agreement;

(2) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;

(3) Advertise in the help wanted section of a newspaper or otherwise represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;

(4) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;

(5) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;

(6) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, or the extent or nature of any approval received from an accrediting association;

(7) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;

(8) Provide prospective students with any testimonial, endorsement, or other information which has the tendency to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, or probable earnings in the occupation for which the education was designed;

(9) Designate or refer to sales representatives as "counselors," "advisors," or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;

(10) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading; ~~(or)~~

(11) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule; or

(12) Attempt to recruit students in or within forty feet of a building that contains a welfare or unemployment office. Recruiting includes, but is not limited to canvassing and surveying. Recruiting does not include leaving materials at or near an office for a person to pick up of his or her own accord, or handing a brochure or leaflet to a person provided that no attempt is made to obtain a name, address, telephone number, or other data, or to otherwise actively pursue the enrollment of the individual.

If a violation of this chapter for a private vocational school to engage in an unfair business practice.

Sec. 10. Section 12, chapter 299, Laws of 1986 as amended by section 83, chapter 175, Laws of 1989 and RCW 28C.10.120 are each amended to read as follows:

(1) A person claiming loss of tuition or fees as a result of an unfair business practice may file a complaint with the agency. The complaint shall set forth the alleged violation and shall contain information required by the agency. A complaint may also be filed with the agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and may attempt to bring about a settlement. The agency may hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, in order to determine whether a violation has occurred. ~~((If the agency prevails, the private vocational school shall pay the costs of the administrative hearing.))~~

(3) If, after the hearing, the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice, the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28C.10.130. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order full or partial restitution for the loss. The complainant is not bound by the agency's determination of restitution and may pursue any other legal remedy.

(4) If the agency prevails in any administrative hearing, the private vocational school shall pay the costs of the administrative hearing.

NEW SECTION. Sec. 11. Until December 31, 1990, the agency shall distribute copies of sections 5 through 10 of this act to each private vocational school licensed by the agency.

Renumber the sections consecutively and correct internal references accordingly.

On page 2, line 15, after "Sec. 5," strike "This" and insert "Sections 1 through 4 of this"

On page 2, line 16, after "Sec. 6." strike "This act is" and insert "Sections 1 through 4 and 11 of this act are"

On page 1, line 1 of the title, after "education," insert "amending RCW 28C.10.020, 28C.10.030, 28C.10.050, 28C.10.084, 28C.10.110, and 28C.10.120."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Saling, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5545.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5545, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5545, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Benitz, Conner, Matson, Patterson - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5545, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has passed HOUSE JOINT MEMORIAL NO. 4037 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 4037 by Representatives Padden, Ballard, Ebersole, P. King, May, Hargrove and D. Sommers

Inviting the American Legislative Exchange Council to hold its 1991 meeting in Seattle.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Joint Memorial No. 4037 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Joint Memorial No. 4037 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4037.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4037, and the joint memorial passed the Senate by the following vote: Yeas, 30; nays, 16; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Hayner, Johnson, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer - 30.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn - 16.

Absent: Senator West - 1.

Excused: Senators Conner, Matson - 2.

HOUSE JOINT MEMORIAL NO. 4037, having received the constitutional majority, was declared passed.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8440, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Hayner, the following resolution was adopted:

SENATE RESOLUTION 1990-8741

by Senators Hayner, Sellar, Rasmussen, von Reichbauer Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Patrick, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, Warnke, West, Williams and Wojahn

WHEREAS, Throughout the history of our country, many men in battle have exhibited courage significantly beyond the call of duty; and

WHEREAS, Their heroic acts were performed as a matter of personal choice in the midst of combat; and

WHEREAS, Their unselfishness in acting on behalf of their country, fellow soldiers and fellow citizens to protect the right to freedom of choice must not be forgotten; and

WHEREAS, The first Congressional Medal of Honor awards were presented to six men on the twenty-fifth day of March in 1863, by the Secretary of War; and

WHEREAS, Only a small percentage of the millions of persons who have served this country in war, police actions or other conflicts have merited our country's highest combat award; and

WHEREAS, Of two hundred twenty-three living recipients of the Congressional Medal of Honor, fifteen of these reside in Washington State; and

WHEREAS, The citizens of Washington State honor Patrick Henry Brady, Robert Eugene Bush, Jose Calugas, Jesse R. Drowley, James P. Fleming, Robert E. Galer, John D. Hawk, Joe M. Jackson, Delbert O. Jennings, Thomas J. Kinsman, Richard Miles McCool, Jr., Donald Kirby Ross, Wilburn K. Ross, Leo K. Thorsness and Jerald O. Young;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Washington State Senate, that March 25 be declared Congressional Medal of Honor Day in Washington State and designated such henceforth to honor all winners of the Medal of Honor; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Secretary of the Senate to Governor Booth Gardner and to each recipient of the Medal of Honor who resides in Washington State.

MOTION

On motion of Senator Hayner, all Senators names will be added as sponsors of Senate Resolution 1990-8741.

MOTION

Senator Amondson moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8764

by Senator Amondson

WHEREAS, By resolution passed in 1987, the Senate ordered the removal of murals from the Senate Chamber, which were purchased by the state and designed by Northwest artist Alden Mason; and

WHEREAS, under guidelines established by the King County Superior Court, the murals were removed and have been stored out of public view by the State Department of General Administration; and

WHEREAS, In issuing its order concerning the murals, the King County Superior Court specifically authorized the murals' relocation to a place of public view outside the Legislative Building, provided that the decision to relocate takes into account the murals' "site-specific design and character" and that the new location is "aesthetically suitable" for their display; and

WHEREAS, As evidenced by its 1987 Resolution, the Senate does not intend to display the publicly-owned murals in the Senate Chamber in the future; and

WHEREAS, Centralia College, located in the "City of Historic Murals," is most anxious to display the publicly owned murals in its new \$3.5 million Learning Assistance Resource Center, which will house the college library; and

WHEREAS, The architect who designed the Centralia College library specifically designed a spacious gallery to serve as the focal point of the building with the intention of displaying these murals to the citizens of this state and others visiting the Pacific Northwest; and

WHEREAS, The Lewis County Economic Development Council and the Centralia-Chehalis Chamber of Commerce enthusiastically support and embrace the movement of the murals to their communities and point out that Lewis County is strategically located to allow convenient access for public viewing of the murals to nearly three million persons living within a ninety-mile radius of Centralia; and

WHEREAS, Centralia College is prepared and willing (1) to lease the murals on a renewable basis, (2) to pay any associated taxes, (3) to assume costs associated with the murals delivery, maintenance and return, (4) to not alter, modify or change the murals in any way, and (5) to consult with the artist on any necessary repairs or restorations; and

WHEREAS, Centralia College has committed to designating its Resource Center Gallery "The Alden Mason Gallery" in honor of Mr. Mason and his significant contributions to the culture of the Pacific Northwest;

NOW, THEREFORE, BE IT RESOLVED, That the Department of General Administration take the necessary steps, with all due care, to transfer and relocate the publicly owned murals to Centralia College.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Amondson that Senate Resolution 1990-8764 be adopted.

The motion by Senator Amondson carried and Senate Resolution 1990-8764 was adopted.

MOTION

At 7:40 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 8:32 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted the Second Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2888 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: EHB 2888

Establishing a new child support schedule.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Second Report of Conference Committee and the request for powers of Free Conference on Substitute House Bill No. 2888 read in earlier today.)

Signed by Senators Nelson, Hayner, Representatives Appelwick, Padden.

MOTION

Senator Nelson moved that the twenty-four hour rule be suspended and the Report of the Free Conference Committee on Engrossed House Bill No. 2888 be adopted.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. In order to suspend Rule 11 of the Joint Rules, does that require a two-thirds vote?"

REPLY BY THE PRESIDENT

President Pritchard: "Yes, two-thirds of the members present."

Further debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Nelson to suspend Rule 11 of the Joint Rules and to adopt the Report of the Free Conference Committee on Engrossed House Bill No. 2888.

ROLL CALL

The Secretary called the roll and the motion to suspend the rules and adopt the Report of the Free Conference Committee carried by the following vote: Yeas, 33; nays, 13; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West - 33.

Voting nay: Senators Bender, DeJarnatt, Fleming, Kreidler, McMullen, Moore, Murray, Niemi, Rinehart, Smitherman, Talmadge, Williams, Wojahn - 13.

Absent: Senator Gaspard - 1.

Excused: Senators Conner, Matson - 2.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2888, as amended by the Free Conference Committee under suspension of the rules.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Lee was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2888, as amended by the Free Conference Committee under suspension of the rules, and the bill passed the Senate by the following vote:

Yeas, 35; nays, 11; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West - 35.

Voting nay: Senators Bender, Fleming, Kreidler, McMullen, Moore, Murray, Niemi, Rinehart, Talmadge, Williams, Wojahn - 11.

Excused: Senators Conner, Lee, Matson - 3.

ENGROSSED HOUSE BILL NO. 2888, as amended by the Free Conference Committee under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House adopted the Second Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SECOND REPORT OF CONFERENCE COMMITTEE

RE: E2SSB 6610

Revising provisions for at-risk youth.

March 8, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the following House Committee on Human Services Committee striking amendment which the House adopted March 2, 1990, be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to:

- (1) Preserve, strengthen, and reconcile families experiencing problems with at-risk youth;
- (2) Provide a legal process by which parents who are experiencing problems with at-risk youth can request and receive assistance from juvenile courts in providing appropriate care, treatment, and supervision to such youth; and
- (3) Assess the effectiveness of the family reconciliation services program.

The legislature does not intend by this enactment to grant any parent the right to file an at-risk youth petition or receive juvenile court assistance in dealing with an at-risk youth. The purpose of this enactment is to create a process by which a parent of an at-risk youth may request and receive assistance subject to the availability of juvenile court services and resources. Recognizing that these services and resources are limited, the legislature intends that counties have the authority to impose reasonable limits on the utilization of juvenile court services and resources in matters related to at-risk youth. Any responsibilities imposed upon the department under this act shall be contingent upon the availability of funds specifically appropriated by the legislature for such purpose.

Sec. 2. Section 16, chapter 155, Laws of 1979 and RCW 13.32A.020 are each amended to read as follows:

This chapter shall be known and may be cited as the (~~Procedures for Families in Conflict~~) Family Reconciliation Act.

Sec. 3. Section 17, chapter 155, Laws of 1979 as amended by section 6, chapter 257, Laws of 1985 and RCW 13.32A.030 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;
- (4) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away; PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves;

(5) "At-risk youth" means an individual under the chronological age of eighteen years who:

(a) Is absent from home for more than seventy-two consecutive hours without consent of his or her parent;

(b) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or

(c) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse.

Sec. 4. Section 18, chapter 155, Laws of 1979 as amended by section 1, chapter 298, Laws of 1981 and RCW 13.32A.040 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth may request family reconciliation services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

Sec. 5. Section 19, chapter 155, Laws of 1979 as last amended by section 1, chapter 288, Laws of 1986 and RCW 13.32A.050 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

Sec. 6. Section 23, chapter 155, Laws of 1979 as amended by section 7, chapter 298, Laws of 1981 and RCW 13.32A.090 are each amended to read as follows:

(1) The person in charge of a designated crisis residential center or the department pursuant to RCW 13.32A.070 shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW 13.32A.080~~((2))~~ (3) that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW 13.32A.070.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home;

(e) Arrange transportation for the child to an alternative residential placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

Sec. 7. Section 26, chapter 155, Laws of 1979 and RCW 13.32A.120 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an alternative residential placement arrived at pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an alternative residential placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

(3) If a child and his or her parent cannot agree to the continuation of an alternative residential placement arrived at under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

Sec. 8. Section 27, chapter 155, Laws of 1979 as last amended by section 9, chapter 257, Laws of 1985 and RCW 13.32A.130 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays, from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours, excluding Saturdays, Sundays and holidays, from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the seventy-two hour period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement ~~((and))~~, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of ((such a)) any alternative residential placement: PROVIDED, That at no time shall information regarding a parent's or child's rights be withheld if requested: PROVIDED FURTHER, That the department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating such services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of such statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of such statement.

Sec. 9. Section 28, chapter 155, Laws of 1979 as amended by section 10, chapter 298, Laws of 1981 and RCW 13.32A.140 are each amended to read as follows:

The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; ~~((and))~~

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent; ((and))

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 10. Section 29, chapter 155, Laws of 1979 as last amended by section 1, chapter 269, Laws of 1989 and RCW 13.32A.150 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment shall be aimed at family reconciliation and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under subsection (3) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

(3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

(a) The child is an at-risk youth as defined in this chapter;

(b) The petitioning parent has the right to legal custody of the child;

(c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and

(d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted or if there is good cause why they were not attempted. Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.

Sec. 11. Section 30, chapter 155, Laws of 1979 as amended by section 2, chapter 269, Laws of 1989 and RCW 13.32A.160 are each amended to read as follows:

(1) When a proper petition to approve an alternative residential placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a) Schedule a date for a fact-finding hearing; notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an alternative

residential placement petition; and (e) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of an alternative residential placement petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the alternative residential placement petition by the court. Any placement may be reviewed by the court within three court days upon the request of the juvenile or the juvenile's parent.

NEW SECTION, Sec. 12. (1) When a proper at-risk youth petition is filed by a child's parent under RCW 13.32A.120 or 13.32A.150, the juvenile court shall:

(a) Schedule a fact-finding hearing and notify the parent and the child of such date;

(b) Notify the parent of the right to be represented by counsel at the parent's own expense;

(c) Appoint legal counsel for the child;

(d) Inform the child and his or her parent of the legal consequences of the court finding the child to be an at-risk youth; and

(e) Notify the parent and the child of their rights to present evidence at the fact-finding hearing.

(2) Unless out-of-home placement of the child is otherwise authorized or required by law, the child shall reside in the home of his or her parent or in an alternative residential placement approved by the parent. Upon request by the parent, the court may enter a court order requiring the child to reside in the home of his or her parent or an alternative residential placement approved by the parent.

(3) If upon sworn written or oral declaration of the petitioning parent, the court has reason to believe that a child has willfully and knowingly violated a court order issued pursuant to subsection (2) of this section, the court may issue an order directing law enforcement to take the child into custody and place the child in a juvenile detention facility or in a crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. If the child is placed in detention, a review shall be held as provided in RCW 13.32A.065.

(4) If both an alternative residential placement petition and an at-risk youth petition have been filed with regard to the same child, the proceedings shall be consolidated for purposes of fact-finding. Pending a fact-finding hearing regarding the petition, the child may be placed, if not already placed, in an alternative residential placement as provided in RCW 13.32A.160 unless the court has previously entered an order requiring the child to reside in the home of his or her parent. The child or the parent may request a review of the child's placement including a review of any court order requiring the child to reside in the parent's home. At the review the court, in its discretion, may order the child placed in the parent's home or in an alternative residential placement pending the hearing.

NEW SECTION, Sec. 13. (1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court may grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence. The court shall not enter such an order if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is granted, the court shall enter an order requiring the child to reside in the home of his or her parent or in an alternative residential placement approved by the parent.

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

(3) A dispositional hearing shall be held no later than fourteen days after the court has granted an at-risk youth petition. Each party shall be notified of the time and date of the hearing.

(4) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

NEW SECTION, Sec. 14. (1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;
 (c) Participation in a substance abuse treatment program;
 (d) Reporting on a regular basis to the department or any other designated person or agency; and

(e) Any other condition the court deems an appropriate condition of supervision.

(3) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled. The parent may request dismissal of an at-risk youth proceeding at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

(4) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

NEW SECTION. Sec. 15. (1) Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel for the child, advise the parent of the right to be represented by legal counsel at the review hearing at the parent's own expense, and notify the parties of their rights to present evidence at the hearing.

(2) At the review hearing, the court shall approve or disapprove the continuation of court supervision in accordance with the goal of assisting the parent to maintain the care, custody, and control of the child. The court shall determine whether the parent and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan.

(3) Court supervision of the child may not be continued past one hundred eighty days from the day the review hearing commenced unless the court finds, and the parent agrees, that there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection shall not exceed ninety days.

(4) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision would serve no useful purpose or that the parent is not cooperating with the court-ordered case plan. The court shall dismiss an at-risk youth proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 16. Section 14, chapter 298, Laws of 1981 as amended by section 4, chapter 269, Laws of 1989 and by section 16, chapter 373, Laws of 1989 and RCW 13.32A.250 are each reenacted and amended to read as follows:

(1) In all alternative residential placement proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of ~~((an alternative residential placement order))~~ a court order entered pursuant to this chapter. The court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a contempt of court as provided in chapter 7.21 RCW, subject to the limitations of subsection (2) of this section.

(3) The court may impose a fine of up to one hundred dollars and imprisonment for up to seven days, or both for contempt of court under this section.

(4) A child imprisoned for contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

NEW SECTION. Sec. 17. The department shall conduct a research study of the family reconciliation services program. The research study shall include the following information:

(1) A description of services offered in phase I and phase II and the effectiveness of these services;

(2) The number of youth and families served in family reconciliation services phase I and phase II and outcome of services provided to each youth and family;

(3) Nonclient parent and youth awareness of the family reconciliation services program and their perception of its effectiveness;

(4) The number of referrals to family reconciliation services from law enforcement, juvenile courts, schools, and community agencies and their perception of its effectiveness;

(5) Follow-up contact with a random sample of youth and families receiving family reconciliation services assistance and their perception of the effectiveness of family reconciliation services;

(6) The number of youth referred again after services were terminated and outcome of services provided:

(7) The number of youth and families offered services who refused them and the reason, if known:

(8) The number of youth and families who requested services but were denied based on: (a) Ineligibility or (b) services not available, including a list of those services requested but not available; and

(9) Recommendations for improving services to at-risk youth and families.

The department shall submit a preliminary report by January 1, 1991, and the full research study report by January 1, 1992, to the senate children and family services committee, and the house of representatives human services committee.

NEW SECTION. Sec. 18. Sections 12 through 15 of this act are each added to chapter 13.32A RCW.

NEW SECTION. Sec. 19. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.090, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, and 13.32A.160; reenacting and amending RCW 13.32A.250; adding new sections to chapter 13.32A RCW; and creating new sections."

Signed by Senators Smith, Niemi, Craswell; Representatives Sayan, O'Brien, Bowman.

MOTION

On motion of Senator Smith, the Second Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6610 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6610, as recommended by the Second Report of the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6610, as recommended by the Second Report of the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West - 39.

Voting nay: Senators Kreidler, Moore, Rinehart, Talmadge, Williams, Wojahn - 6.

Absent: Senator Owen - 1.

Excused: Senators Conner, Lee, Matson - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610, as recommended by the Second Report of the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5340,

SENATE BILL NO. 6253,

SUBSTITUTE SENATE BILL NO. 6255,

SENATE BILL NO. 6408,

SENATE BILL NO. 6411,

SECOND SUBSTITUTE SENATE BILL NO. 6418.

SECOND SUBSTITUTE SENATE BILL NO. 6537,
 SENATE BILL NO. 6559,
 SUBSTITUTE SENATE BILL NO. 6626,
 SUBSTITUTE SENATE BILL NO. 6663.

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8442 by Senators Hayner, Sellar, Vognild and Warnke

Providing for the transmittal of bills, resolutions, and memorials upon adjournment of the legislature.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8442 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8442 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 8, 1990

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1307,
 HOUSE BILL NO. 1890,
 SECOND SUBSTITUTE HOUSE BILL NO. 2122,
 SUBSTITUTE HOUSE BILL NO. 2378,
 HOUSE BILL NO. 2395,
 SUBSTITUTE HOUSE BILL NO. 2403,
 HOUSE BILL NO. 2413,
 SUBSTITUTE HOUSE BILL NO. 2421,
 SUBSTITUTE HOUSE BILL NO. 2426,
 SUBSTITUTE HOUSE BILL NO. 2430,
 SECOND SUBSTITUTE HOUSE BILL NO. 2443,
 HOUSE BILL NO. 2555,
 HOUSE BILL NO. 2602,
 SUBSTITUTE HOUSE BILL NO. 2603,
 SUBSTITUTE HOUSE BILL NO. 2726,
 SUBSTITUTE HOUSE BILL NO. 2932,
 HOUSE BILL NO. 2939,
 HOUSE JOINT MEMORIAL NO. 4037, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 8, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1450,
 HOUSE BILL NO. 2299,
 SUBSTITUTE HOUSE BILL NO. 2643,
 HOUSE BILL NO. 2775,
 HOUSE BILL NO. 2808, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1307,
 HOUSE BILL NO. 1890,

SECOND SUBSTITUTE HOUSE BILL NO. 2122,
 SUBSTITUTE HOUSE BILL NO. 2378,
 HOUSE BILL NO. 2395,
 SUBSTITUTE HOUSE BILL NO. 2403,
 HOUSE BILL NO. 2413,
 SUBSTITUTE HOUSE BILL NO. 2421,
 SUBSTITUTE HOUSE BILL NO. 2426,
 SUBSTITUTE HOUSE BILL NO. 2430,
 SECOND SUBSTITUTE HOUSE BILL NO. 2443,
 HOUSE BILL NO. 2555,
 HOUSE BILL NO. 2602,
 SUBSTITUTE HOUSE BILL NO. 2603,
 SUBSTITUTE HOUSE BILL NO. 2726,
 SUBSTITUTE HOUSE BILL NO. 2932,
 HOUSE BILL NO. 2939,
 HOUSE JOINT MEMORIAL NO. 4037.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1450,
 HOUSE BILL NO. 2299,
 SUBSTITUTE HOUSE BILL NO. 2643,
 HOUSE BILL NO. 2775,
 HOUSE BILL NO. 2808.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 5450,
 SUBSTITUTE SENATE BILL NO. 5545,
 SENATE BILL NO. 6303,
 SUBSTITUTE SENATE BILL NO. 6306,
 SUBSTITUTE SENATE BILL NO. 6417,
 SUBSTITUTE SENATE BILL NO. 6494,
 SECOND SUBSTITUTE SENATE BILL NO. 6610,
 SUBSTITUTE SENATE BILL NO. 6649,
 SUBSTITUTE SENATE BILL NO. 6664,
 SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212,
 SENATE CONCURRENT RESOLUTION NO. 8440.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4441, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4441 by Representatives Ebersole and Ballard

Adjourning the legislature Sine Die.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4441 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4441 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8442, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8442.

MESSAGES FROM THE HOUSE

March 8, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5340,

SENATE BILL NO. 6253,

SUBSTITUTE SENATE BILL NO. 6255,

SENATE BILL NO. 6408,

SENATE BILL NO. 6411,

SECOND SUBSTITUTE SENATE BILL NO. 6418,

SECOND SUBSTITUTE SENATE BILL NO. 6537,

SENATE BILL NO. 6559,

SUBSTITUTE SENATE BILL NO. 6626,

SUBSTITUTE SENATE BILL NO. 6663, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

March 8, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5450,

SUBSTITUTE SENATE BILL NO. 5545,

SENATE BILL NO. 6303,

SUBSTITUTE SENATE BILL NO. 6306,

SUBSTITUTE SENATE BILL NO. 6417,

SUBSTITUTE SENATE BILL NO. 6494,

SECOND SUBSTITUTE SENATE BILL NO. 6610,

SUBSTITUTE SENATE BILL NO. 6649,

SUBSTITUTE SENATE BILL NO. 6664,

SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212,

SENATE CONCURRENT RESOLUTION NO. 8440, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 8, 1990

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4441, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 8, 1990

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8442, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4441.

RETURN OF BILLS TO HOUSE OF REPRESENTATIVES

Under the provisions of Senate Concurrent Resolution No. 8442, the Senate returned the following House bills to the House of Representatives:

HOUSE BILL NO. 1035,
ENGROSSED HOUSE BILL NO. 1109,
SECOND SUBSTITUTE HOUSE BILL NO. 1174,
ENGROSSED HOUSE BILL NO. 1175,
ENGROSSED HOUSE BILL NO. 1176,
HOUSE BILL NO. 1223,
ENGROSSED HOUSE BILL NO. 1226,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1237,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1280,
SECOND SUBSTITUTE HOUSE BILL NO. 1291,
SECOND SUBSTITUTE HOUSE BILL NO. 1293,
HOUSE BILL NO. 1328,
ENGROSSED HOUSE BILL NO. 1343,
SECOND SUBSTITUTE HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1375,
SECOND SUBSTITUTE HOUSE BILL NO. 1405,
REENGROSSED HOUSE BILL NO. 1433,
SUBSTITUTE HOUSE BILL NO. 1465,
SUBSTITUTE HOUSE BILL NO. 1475,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1492,
HOUSE BILL NO. 1505,
SUBSTITUTE HOUSE BILL NO. 1521,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,
HOUSE BILL NO. 1570,
SUBSTITUTE HOUSE BILL NO. 1577,
REENGROSSED HOUSE BILL NO. 1579,
ENGROSSED HOUSE BILL NO. 1596,
ENGROSSED HOUSE BILL NO. 1623,
SECOND SUBSTITUTE HOUSE BILL NO. 1624,
ENGROSSED HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 1661,
SECOND SUBSTITUTE HOUSE BILL NO. 1663,
SUBSTITUTE HOUSE BILL NO. 1669,
HOUSE BILL NO. 1682,
REENGROSSED HOUSE BILL NO. 1715,
SUBSTITUTE HOUSE BILL NO. 1746,
HOUSE BILL NO. 1747,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1797,
ENGROSSED HOUSE BILL NO. 1836,
SECOND SUBSTITUTE HOUSE BILL NO. 1911,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1941,
ENGROSSED HOUSE BILL NO. 1950,
SECOND SUBSTITUTE HOUSE BILL NO. 1978,
SUBSTITUTE HOUSE BILL NO. 1979,
SECOND SUBSTITUTE HOUSE BILL NO. 2023,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 2030,
HOUSE BILL NO. 2035,
SUBSTITUTE HOUSE BILL NO. 2059,
SUBSTITUTE HOUSE BILL NO. 2072,
SECOND SUBSTITUTE HOUSE BILL NO. 2154,
SECOND SUBSTITUTE HOUSE BILL NO. 2208,
HOUSE BILL NO. 2216,
ENGROSSED HOUSE BILL NO. 2237,
SUBSTITUTE HOUSE BILL NO. 2251,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2252,
ENGROSSED HOUSE BILL NO. 2261,
HOUSE BILL NO. 2264,
HOUSE BILL NO. 2266,
SUBSTITUTE HOUSE BILL NO. 2267,

SECOND SUBSTITUTE HOUSE BILL NO. 2270.
HOUSE BILL NO. 2271.
HOUSE BILL NO. 2273.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2277.
SUBSTITUTE HOUSE BILL NO. 2279.
HOUSE BILL NO. 2295.
HOUSE BILL NO. 2297.
HOUSE BILL NO. 2300.
HOUSE BILL NO. 2303.
HOUSE BILL NO. 2311.
SUBSTITUTE HOUSE BILL NO. 2315.
SUBSTITUTE HOUSE BILL NO. 2320.
SECOND SUBSTITUTE HOUSE BILL NO. 2323.
HOUSE BILL NO. 2333.
HOUSE BILL NO. 2334.
ENGROSSED HOUSE BILL NO. 2338.
SUBSTITUTE HOUSE BILL NO. 2339.
HOUSE BILL NO. 2340.
HOUSE BILL NO. 2341.
HOUSE BILL NO. 2346.
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2348.
SUBSTITUTE HOUSE BILL NO. 2349.
HOUSE BILL NO. 2353.
ENGROSSED HOUSE BILL NO. 2355.
SECOND SUBSTITUTE HOUSE BILL NO. 2359.
ENGROSSED HOUSE BILL NO. 2376.
SECOND SUBSTITUTE HOUSE BILL NO. 2379.
ENGROSSED HOUSE BILL NO. 2387.
HOUSE BILL NO. 2389.
HOUSE BILL NO. 2394.
HOUSE BILL NO. 2399.
HOUSE BILL NO. 2401.
SUBSTITUTE HOUSE BILL NO. 2402.
ENGROSSED HOUSE BILL NO. 2404.
SECOND SUBSTITUTE HOUSE BILL NO. 2405.
ENGROSSED HOUSE BILL NO. 2406.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2409.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2414.
SUBSTITUTE HOUSE BILL NO. 2416.
HOUSE BILL NO. 2417.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2423.
HOUSE BILL NO. 2424.
ENGROSSED HOUSE BILL NO. 2425.
HOUSE BILL NO. 2432.
HOUSE BILL NO. 2435.
SUBSTITUTE HOUSE BILL NO. 2436.
HOUSE BILL NO. 2444.
SUBSTITUTE HOUSE BILL NO. 2446.
SUBSTITUTE HOUSE BILL NO. 2451.
SUBSTITUTE HOUSE BILL NO. 2452.
SUBSTITUTE HOUSE BILL NO. 2455.
ENGROSSED HOUSE BILL NO. 2456.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459.
ENGROSSED HOUSE BILL NO. 2460.
HOUSE BILL NO. 2465.
ENGROSSED HOUSE BILL NO. 2466.
SUBSTITUTE HOUSE BILL NO. 2467.
ENGROSSED HOUSE BILL NO. 2470.
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2471.
ENGROSSED HOUSE BILL NO. 2472.
HOUSE BILL NO. 2488.

ENGROSSED HOUSE BILL NO. 2489,
HOUSE BILL NO. 2495,
HOUSE BILL NO. 2497,
ENGROSSED HOUSE BILL NO. 2499,
HOUSE BILL NO. 2502,
HOUSE BILL NO. 2508,
ENGROSSED HOUSE BILL NO. 2510,
ENGROSSED HOUSE BILL NO. 2514,
SUBSTITUTE HOUSE BILL NO. 2515,
SUBSTITUTE HOUSE BILL NO. 2516,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2517,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2533,
SUBSTITUTE HOUSE BILL NO. 2536,
HOUSE BILL NO. 2537,
SUBSTITUTE HOUSE BILL NO. 2539,
SECOND SUBSTITUTE HOUSE BILL NO. 2543,
SUBSTITUTE HOUSE BILL NO. 2544,
HOUSE BILL NO. 2550,
SUBSTITUTE HOUSE BILL NO. 2551,
ENGROSSED HOUSE BILL NO. 2560,
SUBSTITUTE HOUSE BILL NO. 2566,
SUBSTITUTE HOUSE BILL NO. 2569,
SUBSTITUTE HOUSE BILL NO. 2570,
ENGROSSED HOUSE BILL NO. 2571,
HOUSE BILL NO. 2575,
ENGROSSED HOUSE BILL NO. 2577,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2578,
SUBSTITUTE HOUSE BILL NO. 2583,
SUBSTITUTE HOUSE BILL NO. 2591,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2593,
SUBSTITUTE HOUSE BILL NO. 2601,
ENGROSSED HOUSE BILL NO. 2606,
ENGROSSED HOUSE BILL NO. 2608,
SUBSTITUTE HOUSE BILL NO. 2610,
HOUSE BILL NO. 2615,
ENGROSSED HOUSE BILL NO. 2617,
ENGROSSED HOUSE BILL NO. 2618,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2622,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624,
ENGROSSED HOUSE BILL NO. 2626,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2630,
ENGROSSED HOUSE BILL NO. 2636,
ENGROSSED HOUSE BILL NO. 2638,
ENGROSSED HOUSE BILL NO. 2641,
SUBSTITUTE HOUSE BILL NO. 2642,
SUBSTITUTE HOUSE BILL NO. 2649,
SUBSTITUTE HOUSE BILL NO. 2651,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2653,
HOUSE BILL NO. 2654,
HOUSE BILL NO. 2661,
HOUSE BILL NO. 2663,
ENGROSSED HOUSE BILL NO. 2667,
HOUSE BILL NO. 2687,
HOUSE BILL NO. 2689,
ENGROSSED HOUSE BILL NO. 2694,
HOUSE BILL NO. 2695,
HOUSE BILL NO. 2698,
HOUSE BILL NO. 2707,
HOUSE BILL NO. 2715,
HOUSE BILL NO. 2719,

ENGROSSED HOUSE BILL NO. 2722.
SUBSTITUTE HOUSE BILL NO. 2728,
HOUSE BILL NO. 2739.
SUBSTITUTE HOUSE BILL NO. 2742.
ENGROSSED HOUSE BILL NO. 2745.
ENGROSSED HOUSE BILL NO. 2763.
SUBSTITUTE HOUSE BILL NO. 2772.
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2774.
ENGROSSED HOUSE BILL NO. 2777.
SUBSTITUTE HOUSE BILL NO. 2780.
SUBSTITUTE HOUSE BILL NO. 2783.
ENGROSSED HOUSE BILL NO. 2788.
SUBSTITUTE HOUSE BILL NO. 2789.
HOUSE BILL NO. 2796.
HOUSE BILL NO. 2803.
HOUSE BILL NO. 2810.
SUBSTITUTE HOUSE BILL NO. 2819.
ENGROSSED HOUSE BILL NO. 2823.
SUBSTITUTE HOUSE BILL NO. 2827.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2833.
SUBSTITUTE HOUSE BILL NO. 2857.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879.
SUBSTITUTE HOUSE BILL NO. 2887.
HOUSE BILL NO. 2890.
SUBSTITUTE HOUSE BILL NO. 2892.
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2910.
ENGROSSED HOUSE BILL NO. 2912.
SUBSTITUTE HOUSE BILL NO. 2914.
SUBSTITUTE HOUSE BILL NO. 2915.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2916.
SUBSTITUTE HOUSE BILL NO. 2921.
ENGROSSED HOUSE BILL NO. 2924.
SUBSTITUTE HOUSE BILL NO. 2925.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929.
HOUSE BILL NO. 2937.
SUBSTITUTE HOUSE BILL NO. 2952.
SUBSTITUTE HOUSE BILL NO. 2955.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2964.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2971.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2979.
SUBSTITUTE HOUSE BILL NO. 2992.
SUBSTITUTE HOUSE BILL NO. 2996.
HOUSE BILL NO. 2997.
HOUSE BILL NO. 2998.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3000.
SUBSTITUTE HOUSE BILL NO. 3006.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3016.
HOUSE JOINT MEMORIAL NO. 4006.
HOUSE JOINT MEMORIAL NO. 4012.
ENGROSSED HOUSE JOINT MEMORIAL NO. 4019.
HOUSE JOINT MEMORIAL NO. 4024.
HOUSE JOINT MEMORIAL NO. 4031.
ENGROSSED HOUSE JOINT RESOLUTION NO. 4200.
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204.
HOUSE JOINT RESOLUTION NO. 4227.
HOUSE JOINT RESOLUTION NO. 4228.
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4429.

MESSAGE FROM THE HOUSE

March 8, 1990

Mr. President:

Under the provisions of Senate Concurrent Resolution No. 8442, the House herewith returns the following Senate bills:

SECOND SUBSTITUTE SENATE BILL NO. 5007,
SENATE BILL NO. 5059,
SENATE BILL NO. 5064,
SUBSTITUTE SENATE BILL NO. 5070,
SENATE BILL NO. 5072,
SUBSTITUTE SENATE BILL NO. 5087,
SECOND SUBSTITUTE SENATE BILL NO. 5104,
SUBSTITUTE SENATE BILL NO. 5131,
SUBSTITUTE SENATE BILL NO. 5132,
SENATE BILL NO. 5133,
SUBSTITUTE SENATE BILL NO. 5135,
SENATE BILL NO. 5136,
SUBSTITUTE SENATE BILL NO. 5146,
THIRD SUBSTITUTE SENATE BILL NO. 5203,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5285,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,
SUBSTITUTE SENATE BILL NO. 5299,
SECOND SUBSTITUTE SENATE BILL NO. 5307,
SUBSTITUTE SENATE BILL NO. 5328,
SENATE BILL NO. 5354,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5366,
SUBSTITUTE SENATE BILL NO. 5379,
SENATE BILL NO. 5424,
ENGROSSED SENATE BILL NO. 5451,
ENGROSSED SENATE BILL NO. 5478,
SUBSTITUTE SENATE BILL NO. 5479,
SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5516,
REENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
SUBSTITUTE SENATE BILL NO. 5533,
SUBSTITUTE SENATE BILL NO. 5547,
SENATE BILL NO. 5555,
SECOND SUBSTITUTE SENATE BILL NO. 5568,
ENGROSSED SENATE BILL NO. 5597,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5637,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5650,
SENATE BILL NO. 5699,
SENATE BILL NO. 5705,
SUBSTITUTE SENATE BILL NO. 5723,
SENATE BILL NO. 5798,
ENGROSSED SENATE BILL NO. 5821,
SECOND SUBSTITUTE SENATE BILL NO. 5872,
SENATE BILL NO. 5900,
ENGROSSED SENATE BILL NO. 5908,
ENGROSSED SENATE BILL NO. 6002,
SENATE BILL NO. 6038,
SENATE BILL NO. 6086,
ENGROSSED SENATE BILL NO. 6091,
SUBSTITUTE SENATE BILL NO. 6148,
SUBSTITUTE SENATE BILL NO. 6165,
SUBSTITUTE SENATE BILL NO. 6166,
SUBSTITUTE SENATE BILL NO. 6168,
SENATE BILL NO. 6179,
SUBSTITUTE SENATE BILL NO. 6193,
SECOND SUBSTITUTE SENATE BILL NO. 6202,
SECOND SUBSTITUTE SENATE BILL NO. 6219,
SUBSTITUTE SENATE BILL NO. 6223,

SUBSTITUTE SENATE BILL NO. 6230.
SUBSTITUTE SENATE BILL NO. 6232.
SUBSTITUTE SENATE BILL NO. 6234,
SUBSTITUTE SENATE BILL NO. 6239,
SUBSTITUTE SENATE BILL NO. 6243.
SUBSTITUTE SENATE BILL NO. 6246.
SUBSTITUTE SENATE BILL NO. 6247,
ENGROSSED SENATE BILL NO. 6250,
SENATE BILL NO. 6251,
ENGROSSED SENATE BILL NO. 6252,
ENGROSSED SENATE BILL NO. 6269,
SENATE BILL NO. 6272,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274,
SUBSTITUTE SENATE BILL NO. 6276,
SECOND SUBSTITUTE SENATE BILL NO. 6291,
SUBSTITUTE SENATE BILL NO. 6295,
SUBSTITUTE SENATE BILL NO. 6296,
SENATE BILL NO. 6300,
SUBSTITUTE SENATE BILL NO. 6312,
SUBSTITUTE SENATE BILL NO. 6325,
SENATE BILL NO. 6328,
SUBSTITUTE SENATE BILL NO. 6329,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6332,
SENATE BILL NO. 6334,
SECOND SUBSTITUTE SENATE BILL NO. 6337,
SENATE BILL NO. 6344,
SENATE BILL NO. 6350,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6352,
SENATE BILL NO. 6353,
SENATE BILL NO. 6356,
SENATE BILL NO. 6360,
SUBSTITUTE SENATE BILL NO. 6362,
SUBSTITUTE SENATE BILL NO. 6371,
SUBSTITUTE SENATE BILL NO. 6381,
SUBSTITUTE SENATE BILL NO. 6383,
SUBSTITUTE SENATE BILL NO. 6402,
SUBSTITUTE SENATE BILL NO. 6407,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6412,
SECOND SUBSTITUTE SENATE BILL NO. 6419,
SENATE BILL NO. 6421,
SENATE BILL NO. 6433,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6434,
SUBSTITUTE SENATE BILL NO. 6438,
SECOND SUBSTITUTE SENATE BILL NO. 6440,
SUBSTITUTE SENATE BILL NO. 6445,
SENATE BILL NO. 6450,
SENATE BILL NO. 6454,
SUBSTITUTE SENATE BILL NO. 6459,
SENATE BILL NO. 6461,
SUBSTITUTE SENATE BILL NO. 6475,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6488,
SECOND SUBSTITUTE SENATE BILL NO. 6492,
SENATE BILL NO. 6495,
ENGROSSED SENATE BILL NO. 6506,
SENATE BILL NO. 6512,
SENATE BILL NO. 6515,
SENATE BILL NO. 6517,
SUBSTITUTE SENATE BILL NO. 6526,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6536,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6538,
SUBSTITUTE SENATE BILL NO. 6547.

SENATE BILL NO. 6561.
SENATE BILL NO. 6563.
SENATE BILL NO. 6567.
SENATE BILL NO. 6568.
SUBSTITUTE SENATE BILL NO. 6585.
SUBSTITUTE SENATE BILL NO. 6611.
SENATE BILL NO. 6612.
SUBSTITUTE SENATE BILL NO. 6624.
SUBSTITUTE SENATE BILL NO. 6625.
SUBSTITUTE SENATE BILL NO. 6629.
SENATE BILL NO. 6630.
SUBSTITUTE SENATE BILL NO. 6639.
ENGROSSED SENATE BILL NO. 6648.
SENATE BILL NO. 6653.
ENGROSSED SENATE BILL NO. 6654.
SUBSTITUTE SENATE BILL NO. 6657.
SENATE BILL NO. 6665.
SUBSTITUTE SENATE BILL NO. 6667.
SENATE BILL NO. 6669.
SENATE BILL NO. 6672.
SUBSTITUTE SENATE BILL NO. 6696.
ENGROSSED SUBSTITUTE SENATE BILL NO. 6710.
SUBSTITUTE SENATE BILL NO. 6734.
ENGROSSED SENATE BILL NO. 6738.
ENGROSSED SENATE BILL NO. 6740.
ENGROSSED SENATE BILL NO. 6746.
SENATE BILL NO. 6754.
SENATE BILL NO. 6761.
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6767
SENATE BILL NO. 6768.
SECOND SUBSTITUTE SENATE BILL NO. 6779.
SENATE BILL NO. 6786.
SENATE BILL NO. 6791.
SUBSTITUTE SENATE BILL NO. 6792.
ENGROSSED SENATE BILL NO. 6797.
SENATE BILL NO. 6813.
SUBSTITUTE SENATE BILL NO. 6814.
SUBSTITUTE SENATE BILL NO. 6836.
SUBSTITUTE SENATE BILL NO. 6841.
SENATE BILL NO. 6842.
SENATE BILL NO. 6861.
ENGROSSED SENATE BILL NO. 6874.
SUBSTITUTE SENATE BILL NO. 6901.
ENGROSSED SENATE BILL NO. 6904.
SENATE JOINT MEMORIAL NO. 8009.
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8014.
SENATE JOINT MEMORIAL NO. 8022.
SENATE JOINT RESOLUTION NO. 8231.
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8433.
SENATE CONCURRENT RESOLUTION NO. 8436, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate Journal for the sixtieth day of the 1990 Regular Session of the Fifty-first Legislature was approved.

MOTION

At 9:25 p.m., on motion of Senator Newhouse, the 1990 Regular Session of the Fifty-first Legislature adjourned SINE DIE.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SENATE JOURNAL

—1990—

FIRST SPECIAL SESSION

FIFTY-FIRST LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened March 9, 1990
Adjourned Sine Die April 1, 1990

Compiled, Edited and Indexed by
GORDON A. GOLOB, *Secretary of the Senate*



MARY WILEY
Minute and Journal Clerk

JOEL PRITCHARD, *President of the Senate*
ALAN BLUECHEL, *President Pro Tempore*
ELLEN CRASWELL, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

REPUBLICAN CAUCUS

Minority LeaderJEANNETTE HAYNER
Caucus ChairGEORGE L. SELLAR
Majority Floor LeaderIRV NEWHOUSE
Majority WhipANN ANDERSON
Deputy Majority LeaderEMILIO CANTU
Caucus Vice ChairSTANLEY C. JOHNSON
Majority Asst. Floor LeaderGARY A. NELSON
Majority Assistant WhipLINDA A. SMITH

DEMOCRATIC CAUCUS

Democratic LeaderLARRY L. VOGNILD
Caucus ChairFRANK J. WARNKE
Democratic Floor LeaderALBERT BAUER
Caucus Vice ChairR. LORRAINE WOJAHN
Democratic Assistant Floor LeaderNITA RINEHART
Democratic WhipRICK S. BENDER
Democratic Assistant WhipPATRICK R. McMULLEN

Secretary of the SenateGORDON A. GOLOB
Deputy SecretaryW. D. "NATE" NAISMITH
Sergeant at ArmsGEORGE LaPOLD
Secretary to the SecretaryMYRNA BEEBE
ReaderVIC YELLE
Minute and Journal ClerkMARY WILEY

**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1990 FIRST SPECIAL SESSION
FIFTY-FIRST LEGISLATURE**

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 9, 1990

The Senate was called to order at 10:00 a.m. by Lieutenant Governor Joel Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Ian Craig and Scott Fleming, presented the Colors. The Reverend Doctor Walter Pulliam, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

At 10:10 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:28 a.m. by President Pritchard.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6407, by Committee on Ways and Means (originally sponsored by Senators McDonald, Gaspard, Rasmussen and Conner (by request of Governor Gardner)

Adopting the supplemental operating budget.

The bill was read the third time and placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a parliamentary inquiry. Are we going to pass this bill without a resolution of any kind? Is that the procedure we are going to use that we will pass any bill that is alive? I believe that all bills would be alive then."

REPLY BY THE PRESIDENT

President Pritchard: "Until the resolution is passed."

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6407 was deferred.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4442, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4442 by Representative Ebersole

Limiting the bills for consideration during special session.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4442 was advanced to second reading and read the second time.

Senator Newhouse moved that the rules be suspended and House Concurrent Resolution No. 4442 be advanced to third reading, the second reading considered the third and the concurrent resolution be adopted.

Debate ensued.

At 11:32 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:40 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of House Concurrent Resolution No. 4442, deferred on second reading, before the Senate went at ease.

MOTION

Senator Stratton moved that the following amendment be adopted:

On page 1, after line 14, strike all subsections except "(1)" on line 15, "(2)" on line 16, "(4)" on line 18, and "(16)" on page 2, line 2

Debate ensued.

MOTION

On motion of Senator Vognild, the following amendment to the amendment by Senator Stratton was adopted:

On page 1, after "line 16," insert "(3) line 17,"

Further debate on the amendment by Senator Stratton, as amended, ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Stratton on page 1, after line 14, as amended, to House Concurrent Resolution No. 4442.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 26.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild, Gaspard and von Reichbauer be adopted:

On page 1, after line 30, insert "(15) Senate Bill No. 6892, state employees and teacher salaries"

Renumber the remaining subsections consecutively.

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Vognild, Gaspard and von Reichbauer on page 1, after line 30, to House Concurrent Resolution No. 4442.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, West - 25.

MOTION

Senator Vognild moved that the following amendment by Senator Vognild and Gaspard be adopted:

On page 1, after line 30, insert "(15) House Bill No. 2227, fiscal matters: For the purpose of appropriating funds to implement Senate Bill No. 6259, relating to sexual predators"

Renumber the remaining subsections consecutively.

POINT OF INQUIRY

Senator Nelson: "Senator Vognild, I have in front of me the title only bill-- House Bill No. 2227--which does not have any language in it that would reflect that we are funding Senate Bill No. 6259, the sexual predator bill. Would you kindly explain to this body what the content of a bill that you are proposing would have that is now going to be House Bill No. 2227?"

Senator Vognild: "Yes, Senator, I believe, number one, that the nature of our amendment--and I want to go back to this first--clearly indicates what our intent of our use of that title only is. It indicates that it would be for the purpose of appropriating funds to implement Senate Bill No. 6259, which relates to sexual predators. It would be just that simple and that simple of an appropriation."

Senator Nelson: "Well, I would like to know, Senator Vognild, what is this that is specifically going to be on the bill that is already not in the supplemental budget that has been passed by both bodies?"

Senator Vognild: "Senator, the bill would contain the necessary appropriation to implement the bill that was passed by this body. If you wish me to go to the fiscal note, if you wish me to talk about the specific dollars, I would be happy to do that, but I have avoided that in order that we could have some room to work."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Vognild and Gaspard on page 1, after line 30, to House Concurrent Resolution No. 4442.

The motion by Senate Vognild failed and the amendment was not adopted.

The President declared the question before the Senate to be the motion by Senator Newhouse, which was made earlier today, to advance House Concurrent Resolution No. 4442 to third reading and final passage.

House Concurrent Resolution No. 4442 was advanced to third reading and adopted by voice vote.

MOTION

At 12:20 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:46 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

March 9, 1990

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2379,

SUBSTITUTE HOUSE BILL NO. 2416, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

March 9, 1990

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 2694.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 2379 by Committee on Appropriations (originally sponsored by Representatives Peery, Betrozoff, Dorn, Jacobsen, Hargrove, Holland, Van Luven, P. King, H. Myers, Kirby, Wineberry, Ebersole, May, Ferguson and Rasmussen) (by request of Governor Gardner)

Creating student enrollment options programs.

HOLD.

SHB 2416 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Chandler, Zellinsky, Anderson, Nutley and Winsley) (by request of Insurance Commissioner)

Changing multiple insurance statutes.

HOLD.

EHB 2694 by Representatives Cole, Holland, Leonard, Jacobsen and Betrozoff

Extending the expiration date of the interim task force on student transportation safety.

HOLD.

ESHB 2929 by Committee on Appropriations (originally sponsored by Representatives Cantwell, R. Fisher, Brough, Haugen, Belcher, Ferguson, Nutley, Phillips, Horn, Rust, Wood, Winsley, Nelson, Locke, Appelwick, Leonard, Wineberry, Scott, Bennett, Pruitt, Cole, Crane, Heavey, Spanel, Forner, Holland, O'Brien, Hine, Fraser, Todd and Wang)

Enacting comprehensive growth planning provisions.

HOLD.

MOTIONS

On motion of Senator Newhouse, Second Substitute House Bill No. 2379 was held on the desk.

On motion of Senator Newhouse, the rules were suspended and Substitute House Bill No. 2416, Engrossed House Bill No. 2694 and Engrossed Substitute House Bill No. 2929 were advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6407, which was deferred on third reading and final passage earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6407.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6407 and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

SUBSTITUTE SENATE BILL NO. 6407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6639, by Committee on Ways and Means (originally sponsored by Senators McDonald, McMullen, Bluechel, Niemi, Patrick, Warnke, Metcalf, Vognild, Bailey, Conner, Talmadge, Rinehart, Williams, Murray, Moore and von Reichbauer)

Authorizing a real estate excise tax for the acquisition of conservation areas.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, is this the bill that increases the excise tax, so that the poor people that can't buy a home now that this will make it more difficult?"

Senator McDonald: "This is the bill that would grant Pierce County, King County, and every county in this state, the ability to put before--for a vote of the people--an option for a real estate excise tax, so that they could purchase conservation land."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6639.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6639 and the bill passed the Senate by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Conner, DeJarnatt, Fleming, Johnson, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Patrick, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, West, Williams, Wojahn - 28.

Voting nay: Senators Amondson, Barr, Bauer, Cantu, Craswell, Gaspard, Hansen, Hayner, Madsen, Matson, McCaslin, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer - 21.

SUBSTITUTE SENATE BILL NO. 6639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 6904, by Senator Newhouse, Benitz, Warnke, Smitherman, Stratton, Wojahn, Bender, Sutherland, Vognild, Rasmussen, Talmadge, Fleming, Conner, Patrick, Murray, Madsen, Moore, McMullen, Hayner, Anderson, Cantu and Gaspard

Providing local government fiscal assistance.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6904.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6904 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee,

Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Stratton - 1.

Absent: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 6904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, by Committee on Appropriations (originally sponsored by Representatives Cantwell, R. Fisher, Brough, Haugen, Belcher, Ferguson, Nutley, Phillips, Horn, Rust, Wood, Winsley, Nelson, Locke, Appelwick, Leonard, Wineberry, Scott, Bennett, Pruitt, Cole, Crane, Heavey, Spanel, Forner, Holland, O'Brien, Hine, Fraser, Todd and Wang)

Enacting comprehensive growth planning provisions.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. The legislature finds that uncoordinated and unmanaged growth poses an immediate threat to the environment, to sustainable economic development, and to the high quality of life enjoyed by inhabitants of this state. It is in the interest of all the people of this state that citizens, communities, and local governments cooperate and coordinate with one another in comprehensive land use planning. Such cooperation and coordination state-wide will encourage predictability in the permitted uses of property and promote uniformity of land use planning.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "City" means any city, town, or optional municipal code city.

(2) "Department" means the department of community development.

(3) "Development regulations" mean any city or county controls on any land use or development activities including, but not limited to, zoning ordinances, planned unit development ordinances, and subdivision ordinances.

(4) "Special purpose district" means a local unit of government, other than a city, county, or regional organization, authorized and regulated by statute to perform a single function or a limited number of functions, and includes, but is not limited to, water districts, irrigation districts, port districts, fire protection districts, school districts, community college districts, public hospital districts, sewer districts, public utility districts, public health districts, city and county health districts, cemetery districts, diking districts, metropolitan park districts, public transportation benefit areas, drainage districts, transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW.

(5) "Urban growth" means that growth which makes intensive use of the land for the location of buildings, structures, and impermeable surfaces. When allowed to occur over wide areas, it typically requires urban governmental services.

NEW SECTION. Sec. 3. STATE-WIDE PLANNING GOALS CHECKLIST. No later than July 1, 1991, the department shall adopt land use planning guidelines applicable to all city and county comprehensive land use plans. The guidelines shall be consistent with the purposes of this chapter and shall implement the following growth planning goals:

(1) To provide for the conservation and wise use of natural resources, and to maintain a productive agricultural and forest land base by discouraging the conversion of agricultural and forest land to other uses;

(2) To preserve unique wildlife habitats;

(3) To prevent uses of rare or important natural ecosystems which are incompatible with the long-term sustainability of such lands;

(4) To protect environmentally sensitive areas, including wetlands, riparian zones, flood plains, and areas of geological hazard;

(5) To protect lands having significant historical, cultural, or geological value;

(6) To ensure that adequate and diversified recreational opportunities and publicly accessible open space are provided in all areas of the state, and particularly in areas of increasing urbanization;

(7) To encourage diversified transportation modes which decrease reliance upon the automobile, particularly in high density urban areas;

(8) To encourage and provide incentives for high quality development that permit growth in accordance with public need and the physical and environmental limitations of land;

(9) To encourage provision of urban governmental services and facilities in areas planned for urban growth, and to require that adequate services and facilities be provided as growth occurs;

(10) To assure adequate access to and provision of utility services, and to encourage responsible waste management;

(11) To assure that major developments such as educational and correctional institutions, health care facilities, transportation facilities, waste management and disposal facilities, and energy facilities are equitably and prudently located;

(12) To encourage greater regional planning, consistency of local plans with regional plans, and coordination of city and county comprehensive plans in areas with common growth management and urban governmental services concerns;

(13) To assure that citizens have a meaningful role in participating in local and regional land use planning decisions;

(14) To encourage future urban growth to occur in existing urban areas and adjacent areas designated for additional urban growth, and to discourage urban growth from occurring in areas providing long-term importance for agricultural or forest uses, or in areas that are environmentally sensitive;

(15) To incorporate shoreline master programs developed pursuant to the shoreline management act into city and county comprehensive land use plans: PROVIDED, That each county is required to develop, adopt, administer, and enforce shorelines management programs pursuant to chapter 90.58 RCW; and

(16) To plan specifically for commercial and industrial development.

NEW SECTION, Sec. 4. TECHNICAL ASSISTANCE SERVICES. (1) The department shall establish a program of technical assistance to the counties and cities to facilitate the adoption and implementation of comprehensive plans and development regulations.

(2) The department shall develop a priority list for technical assistance for counties and cities. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, the need for technical assistance, and other relevant factors.

(3) The technical assistance program shall utilize department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories.

(4) The department shall establish, in consultation with representatives selected by the associations for cities and counties, a state-wide data base which includes all lands, land uses, and facilities in each municipality.

NEW SECTION, Sec. 5. PROCEDURE FOR ADOPTING STATE-WIDE PLANNING GOALS CHECKLIST AND ESTABLISHING TECHNICAL ASSISTANCE PROGRAM. In developing the guidelines under section 3 of this act and the program under section 4 of this act, the department shall seek public participation. The department shall also consult with city and county legislative bodies and executive officials, other state agencies having expertise or jurisdiction in land use management and planning issues, and private sector and nonprofit organizations having an interest in comprehensive planning. The guidelines shall be adopted under the procedures of chapter 34.05 RCW.

NEW SECTION, Sec. 6. ROLE OF GROWTH STRATEGIES COMMISSION. The growth strategies commission created by executive order shall:

(1) Analyze different methods for assuring county and city compliance and consistency with the state-wide planning goals checklist under section 3 of this act and with other requirements of this chapter; and

(2) Recommend to the legislature and the governor by December 10, 1990, a specific structure or process that, among other things:

(a) Ensures county and city coordination and compliance with the state-wide planning goals checklist under section 3 of this act and with other requirements of this chapter;

(b) Promotes linkages between land use and transportation; and

(c) Provides counties and cities access to alternative sources of funds which shall be used to assist counties and cities to mitigate those impacts which occur due to permitted development.

NEW SECTION, Sec. 7. COMPREHENSIVE LAND USE PLANS. (1) No later than twelve months following final adoption of the guidelines required under section 3 of this act, every city and county shall adopt or make revisions to its comprehensive land use plan to be consistent with such guidelines, except as provided under subsection (4) of this section.

(2) Each city and county shall establish procedures providing for early and continuous public participation in the development of comprehensive land use plans and amendments, and in the adoption of development regulations to implement such plans. The procedures shall provide for dissemination of proposals and alternatives, opportunity for written comments, public meetings after timely and effective notice, provision for open discussion, and consideration of and response to public comments. Errors in exact compliance with the established procedures which do not have a material effect upon the ability of a person to participate shall not be the basis for invalidation of a plan provision, plan amendment, or development regulation.

(3) City comprehensive plans shall not be inconsistent with the county plan. Within a reasonable time, each county and city shall assure that their plans are not inconsistent with other counties or cities that are close or contiguous or that have related regional interests. To promote consistency, counties and cities that are close or contiguous shall prepare their comprehensive plans in consultation with each other.

(4) Upon adoption of a resolution by the legislative body of a city with a population of less than seven thousand five hundred that the burdens of adopting a comprehensive plan and development regulations outweigh the benefits to be derived from the process, the city shall be exempted from the provisions of this chapter. A copy of such resolution shall be filed with the department.

NEW SECTION. Sec. 8. COMPREHENSIVE PLAN REQUIREMENTS. (1) Each comprehensive plan shall include:

- (a) A land use element;
- (b) An economic development element;
- (c) A conservation element;
- (d) A neighborhood preservation element;
- (e) A transportation element;
- (f) A housing element;
- (g) A public services element;
- (h) A recreation and open space element;
- (i) An agriculture element;
- (j) A forest element;
- (k) A utilities element;
- (l) A public facilities element;
- (m) An educational facilities element;
- (n) A correctional facilities element;
- (o) A public water element;
- (p) A pollution element;
- (q) A commercial and industrial element; and
- (r) An element prescribing urban growth boundaries.

(2) Each element of a comprehensive plan shall include the following components:

(a) An inventory of all existing lands, land uses, or facilities relating to that element made available on a data base that is compatible with the data base developed by the department under section 4(5) of this act:

(b) An analysis of existing needs;

(c) An analysis of future needs based upon the land uses shown on a future land use map depicting the proposed future distribution of land uses, and population, housing, and employment goals consistent with this chapter;

(d) A statement of the goals and a list of objectives consistent with the land uses shown on the future land use map and consistent with this chapter.

(3) Each comprehensive plan shall be internally consistent so that all elements of the plan are consistent with the future land use map and with each other.

(4) Each comprehensive plan shall contain an element demonstrating that its employment and population goals and its elements are consistent with the goals and elements of plans of surrounding jurisdictions.

(5) A comprehensive plan may contain additional elements consistent with the elements required by this section, including an element addressing multijurisdictional issues.

(6) The educational facilities element of the comprehensive plan shall provide for notification to school districts of any proposed development having the potential to directly or indirectly impact school facilities. Cities and counties shall implement this plan provision through ordinances ensuring early notification to school districts of the proposed development and an opportunity to comment on the proposal. Cities and counties shall consider impacts to school facilities when reviewing applications for subdivision approval, zoning ordinances, or other required development approvals.

NEW SECTION. Sec. 9. DEVELOPMENT REGULATIONS. Within twenty-four months after final adoption of the state-wide planning goals checklist each city and county shall enact or amend development regulations, including zoning and other land use regulations, that implement its comprehensive land use plan. The development regulations shall not be inconsistent with the jurisdiction's comprehensive plan. This section does not affect or limit development regulations

of cities and counties existing or adopted prior to the regulations required by this section, but does require that the regulations be amended as necessary to be consistent with the comprehensive plan within the time provided under this section.

NEW SECTION, Sec. 10. URBAN GROWTH BOUNDARIES. (1) No later than twenty-four months following adoption of the state planning guidelines required under section 3 of this act, each county shall prescribe urban growth boundaries as an element of its comprehensive land use plan. These boundaries shall be consistent with the goals of this chapter, with department rules required under this section, and with the policy guidelines of the department. The proposed boundaries shall be submitted for certification by the department.

(2) No later than July 1, 1992, the department shall adopt rules defining standards for county adoption of urban growth boundaries. The rules shall describe the levels of urban governmental services which should be planned for areas intended for urban growth. The rules shall also provide criteria which must be considered by counties in prescribing urban growth boundaries, including, but not limited to:

(a) Present and potential use of the land for nonurban uses such as agriculture and forest production;

(b) The location of environmentally sensitive areas;

(c) Past and future population patterns and trends;

(d) Environmental capacity for future population;

(e) Present and potential urban governmental service capacity, and any existing plans for future service delivery;

(f) Past patterns and future projections of commercial and industrial development;

(g) Suitability of the urban growth configuration;

(h) Projected population density;

(i) Residential characteristics and community identities;

(j) Affordable housing needs and necessary land for affordable housing; and

(k) Plans and programs of public agencies.

(3) Following certification of the county comprehensive land use plan by the department, no urban governmental services may be extended outside of an urban growth boundary unless approved by the county legislative authority or planning commission as consistent with the comprehensive plan provisions for future urban growth, or as necessary to protect the health and safety of an existing residential population.

(4) Proposed facilities or systems to provide urban governmental services outside an urban growth boundary having a capacity to serve needs projected beyond five years in the future shall not be approved by the county unless it first amends the urban growth boundary and obtains certification of the amendment from the department.

(5) This section shall not apply to the provision of urban governmental services within the incorporated area of a city or town.

NEW SECTION, Sec. 11. STATE AGENCY PROPOSED LAND USES. (1) Except as provided in this section, all state agencies shall comply with city and county comprehensive plans and with the comprehensive plan implementation regulations of cities and counties.

(2) Where a comprehensive plan implementation regulation of a city or county does not permit outright a proposed land use by a state agency, the city or county shall provide a procedure by which the proposed use may be allowed following issuance of an extraordinary use permit.

(3) Each application for an extraordinary use permit shall be made to the legislative body of the county or city with jurisdiction. The legislative body shall conduct a hearing thereon within thirty days from the date the application is filed.

(4) A city or county may condition an extraordinary use permit to ensure consistency with its comprehensive plan and any applicable comprehensive plan implementation regulations.

(5) A city or county may deny an extraordinary use permit when it determines that the proposed use would cause unacceptably extreme impacts upon public health or safety or the environment that are not avoidable through economically feasible mitigation measures.

NEW SECTION, Sec. 12. ACTIVITIES OF STATE CONCERN. (1) The following are hereby designated activities of state concern:

(a) New airports with runways of five thousand feet or longer, additions to existing airport runways that extend the runway beyond five thousand feet, and additions of one thousand feet or longer to an existing airport runway of five thousand feet or longer;

(b) New port facilities designed to serve ships of twenty-five thousand deadweight tons or greater, and modifications to existing port facilities if the modifications provide the capacity to accommodate ships of fifty thousand deadweight tons or greater;

(c) Power transmission, gas, and oil lines creating new or expanding existing corridors which corridors or expansions are ten or more miles long, and power generation facilities requiring site certification from the energy facility site evaluation council or a permit from the federal power commission;

(d) Sewer trunk lines seventy-two inches in diameter or greater, and new sewage treatment facilities or expansion of existing sewage treatment facility capacity by fifteen percent or more in system design capacity above that necessary to serve the projected population of the

service area at the time installation work is expected to be completed: PROVIDED, That sewage treatment facilities that exclusively serve four or fewer residential dwelling units are not activities of state concern;

(e) New municipal and industrial water supply systems with a capacity of five cubic feet per second or more, and additions to existing water supply systems that provide an increase of fifteen percent or more in system design capacity above that necessary to serve the projected population of the service area at the time installation work is expected to be completed;

(f) Solid waste disposal facilities with a design capacity of five hundred tons per day or greater;

(g) Correctional facilities administered by the department of corrections or department of social and health services; and

(h) Educational facilities, including facilities for higher education.

(2) A city or county shall hold at least one public hearing before making a decision whether or not to approve an activity of state concern.

(3) A city or county may condition approval of an activity of state concern to provide consistency with its comprehensive plan, and any applicable comprehensive plan implementation regulations.

(4) A city or county may deny an activity of state concern where it determines that the activity will cause unacceptably extreme adverse impacts upon public health or safety or the environment that cannot be avoided by economically feasible mitigation measures, and that these impacts outweigh the benefits of the proposed activity. Proposals for a use under subsection (1) (d) and (e) of this section shall be reviewed for consistency with the urban growth boundaries of an applicable comprehensive plan.

NEW SECTION. Sec. 13. COMPREHENSIVE PLANS—SPECIAL DISTRICTS MUST CONFORM.

(1) All special districts shall perform their activities which affect land use, including capital budget decisions, in conformity with the state-wide planning goals checklist and the comprehensive land use plan of the county or city having jurisdiction in the area where the activities occur.

(2) Within two years of the adoption of a comprehensive plan by a county or city pursuant to section 7 of this act, each special district located within such a county or city, that provides one or more of the public facilities or public services listed in this subsection, shall adopt or amend a capital facilities plan for its facilities that is consistent with the comprehensive plan and indicates the existing and projected capital facilities that are necessary to serve the projected growth for the area that is served by the special district. These public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) libraries; (f) schools; and (g) transportation, including mass transit and maritime shipping facilities.

NEW SECTION. Sec. 14. DISPUTE RESOLUTION. Whenever a dispute arises between cities and counties, or any combination thereof, concerning the consistency of a comprehensive plan of a city or county with the state-wide planning goals checklist, the consistency of development regulations of a city or county with the comprehensive plan, or the failure to adopt a comprehensive plan or bring a comprehensive plan into conformity within a reasonable time, a visiting judge shall preside over an administrative hearing to resolve the dispute. The visiting judge shall be selected using the procedures of RCW 2.08.150 and 2.08.170 from a county not involved in the dispute.

The judge shall have all the powers of a superior court judge presiding at a civil proceeding, including the authority to order a party to amend a comprehensive plan.

The costs of any proceeding under this section, and the expenses of the visiting judge under RCW 2.08.170, shall be shared equally by every city or county that is a party to the dispute.

NEW SECTION. Sec. 15. INTENT—TRANSPORTATION PLANNING. The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both state-wide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

NEW SECTION. Sec. 16. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS AUTHORIZED. The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization may be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

(1) Encompass at least one complete county;

(2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and

(3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.

NEW SECTION. Sec. 17. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS—DUTIES. (1) Each regional transportation planning organization shall:

(a) Certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region conform with the requirements of section 8 of this act, and are consistent with regional transportation plans as provided for in (b) of this subsection;

(b) Develop and adopt a regional transportation plan that is consistent with county, city, and town comprehensive plans and state transportation plans. Regional transportation planning organizations are encouraged to use county, city, and town comprehensive plans that existed prior to the effective date of this section as the basis of its regional transportation plan whenever possible. Such plans shall address existing or planned transportation facilities and services that exhibit one or more of the following characteristics:

(i) Physically crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance;

(c) Designate a lead planning agency to coordinate preparation of the regional transportation plan. The lead planning agency may be a regional council, a county, city, or town agency, or a Washington state department of transportation district;

(d) Review the regional transportation plan biennially for currency; and

(e) Forward the adopted plan, and documentation of the biennial review of it, to the state department of transportation.

(2) All transportation projects within the region that have an impact upon regional facilities or services must be consistent with the plan.

(3) In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation shall:

(a) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(b) Facilitate coordination between regional transportation planning organizations; and

(c) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

NEW SECTION. Sec. 18. TRANSPORTATION POLICY BOARDS. Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, ports, and member cities, towns, and counties within the region to participate in policy making.

Sec. 19. Section 20, chapter 49, Laws of 1983 1st ex. sess. as amended by section 8, chapter 167, Laws of 1988 and RCW 36.81.121 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) Before July 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, or the inherent authority of a charter county derived from its charter, the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the transportation improvement board. The six-year program for arterial road construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial roads than for minor and collector arterial roads, pursuant to regulations of the transportation improvement board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 20. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1988 and RCW 35.77.010 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years (~~and shall file~~). If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, or the inherent authority of a first class city derived from its charter, the program shall be consistent with this comprehensive plan.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long range construction plan and formulated in accordance with rules of the transportation improvement board. The six-year program for arterial street construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial streets than for minor and collector arterial streets, pursuant to rules of the transportation improvement board; PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 21. Section 1, chapter 396, Laws of 1989 and RCW 35.58.2795 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, shall prepare a six-year transit development and financial program for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, or the inherent authority of a first class city or charter county derived from its charter. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. Each municipality shall file the six-year program with the state department of transportation, the transportation improvement

board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

NEW SECTION, Sec. 22. A new section is added to chapter 36.70 RCW to read as follows:

A county adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 14 of this act) shall be deemed to be in compliance with RCW 36.70.320 and 36.70.330.

NEW SECTION, Sec. 23. A new section is added to chapter 35.63 RCW to read as follows:

A city or town adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 14 of this act) shall be deemed to be in compliance with RCW 35.63.080 through 35.63.110.

NEW SECTION, Sec. 24. A new section is added to chapter 35A.63 RCW to read as follows:

A code city adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 14 of this act) shall be deemed to be in compliance with RCW 35A.63.060 through 35A.63.062.

NEW SECTION, Sec. 25. A new section is added to chapter 35.63 RCW to read as follows:

Each city and county that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city or town where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION, Sec. 26. A new section is added to chapter 35A.63 RCW to read as follows:

Each city and code city that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city or code city where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION, Sec. 27. A new section is added to chapter 36.70 RCW to read as follows:

Each county that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the county where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION, Sec. 28. INTENT—RURAL ECONOMIC DEVELOPMENT. The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth. Much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies and low-income areas should be linked with prosperous urban economies to share economic growth for the benefit of all areas of the state.

Sec. 29. Section 1, chapter 20, Laws of 1983 1st ex. sess. as amended by section 1, chapter 231, Laws of 1985 and RCW 43.210.010 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth, development, and stability of the state's businesses in both urban and rural areas, and that these economic activities create needed jobs for Washingtonians.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments for many small and medium-sized businesses are the lack of easily accessible information about export opportunities and financing alternatives.

(4) There is a need for a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the

state in acquiring information about export opportunities and financial alternatives for exporting.

Sec. 30. Section 2, chapter 20, Laws of 1983 1st ex. sess. as amended by section 2, chapter 231, Laws of 1985 and RCW 43.210.020 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

(3) To provide information to and assist those businesses interested in exporting products, including the opportunities available to them in organizing export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

Sec. 31. Section 1, chapter 466, Laws of 1985 and RCW 43.31.005 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The legislature of the state of Washington finds that economic development is an essential public purpose which requires the active involvement of state government. The state's primary economic strategy is to encourage the retention and expansion of existing businesses, to attract new businesses and industries, ~~((and))~~ to foster the formation of new businesses, and to economically link rural communities with urban areas. In order to aid the citizens of Washington to obtain desirable employment and achieve adequate incomes, it is necessary for the state to encourage balanced growth and economic prosperity and to promote a more diversified and healthy economy throughout the state.

The legislature finds that the state needs to improve its level of employment, business activity, and revenue growth. In order to increase job opportunities and revenues, a broader and more stable economic base is needed. The state shall take primary responsibility to encourage the balanced growth of the economy consistent with the preservation of Washington's quality of life and environment. A healthy economy can be achieved through partnership efforts with the private sector to facilitate increased investment in Washington. It is the policy of the state of Washington to encourage and promote an economic development program that provides sufficient employment opportunities for our current resident work force and those individuals who will enter the state's work force in the future.

The legislature finds that the state of Washington has the potential to become a major world trade gateway. In order for Washington to fulfill its potential and compete successfully with other states and provinces, it must articulate a consistent, long-term trade policy. It is the responsibility of the state to monitor and ensure that such traditional functions of state government as transportation, infrastructure, education, taxation, regulation and public expenditures contribute to the international trade focus the state of Washington must develop.

Sec. 32. Section 4, chapter 466, Laws of 1985 and RCW 43.31.035 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The department shall pursue a coordinated approach for the state's economic development policies and programs to achieve a more diversified and healthy economy. The department shall support and work cooperatively with other state agencies, public and private organizations, and units of local government, as well as the federal government, to strengthen and coordinate economic development programs ~~((in))~~ throughout the state. The department's activities shall include, but not be limited to:

(1) Providing economic development advisory assistance to the governor, other state agencies, and the legislature on economic-related issues, and other matters affecting the economic well-being of the state and all its citizens.

(2) Providing staff and support to cabinet level interagency economic development coordinating activities.

(3) Representing and monitoring the state's interests with the federal government in its formulation of policies and programs in economic development.

(4) Assisting in the development and implementation of a long-term economic strategy for the state that encourages a balance in economic growth between urban and rural areas and that stimulates economic development in areas not experiencing problems associated with rapid growth, and assisting the continual update of information and strategies contained in the long-term economic program for the state.

Sec. 33. Section 5, chapter 125, Laws of 1984 as amended by section 137, chapter 266, Laws of 1986 and RCW 43.63A.065 are each amended to read as follows:

DEPARTMENT OF COMMUNITY DEVELOPMENT—PRIORITIZE BASED ON NEED. The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding

and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

NEW SECTION, Sec. 34. A new section is added to chapter 43.31 RCW to read as follows:

ASSOCIATE DEVELOPMENT ORGANIZATION NETWORK FORMALIZED. (1) There is established in the department the local economic development service program. This program shall coordinate the delivery of economic development services to local communities or regional areas. It shall encourage a partnership between the public and private sectors and between state and local officials to encourage appropriate economic growth in communities throughout the state.

(2) The department's local economic development service program shall promote local economic development by assisting businesses to start-up, maintain, or expand their operations, by encouraging public infrastructure investment and private capital investment in local communities, and by expanding employment opportunities.

(3) The department's local economic development service program shall, among other things, (a) contract with local economic development nonprofit corporations, called "associate development organizations," for the delivery of economic development services to local communities or regional areas; (b) enter into interagency agreements with appropriate state agencies, such as the department of community development, the department of agriculture, and the employment security department, to coordinate the delivery of economic development services to local communities or regional areas; (c) enter into agreements with other public organizations or institutions that provide economic development services, such as the small business development center, the Washington technology center, community colleges, vocational-technical institutes, the University of Washington, Washington State University, four-year colleges and universities, the federal small business administration, ports, and others, to coordinate the delivery of economic development services to local communities and regional areas; and (d) provide training, through contracts with public or private organizations, and other assistance to associate development organizations to the extent resources allow.

(4) It is the intent of the legislature that the associate development organizations coordinate, through local service agreements or other methods, the delivery of all available economic development services in their areas that are provided by public and private organizations, including state agencies.

(5) The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to more effectively build the local capacity of communities in the region.

(6) It is the intent of the legislature that state agencies and other public and private organizations enter into agreements with the department or associate development organizations to enhance the delivery of economic development services to local communities.

NEW SECTION, Sec. 35. A new section is added to chapter 43.31 RCW to read as follows:

INDUSTRIAL COMPETITIVENESS PROGRAM. The business assistance center within the department of trade and economic development shall create an industrial competitiveness program. The program shall (1) assist in the creation of self-supporting industry associations that develop cooperative programs for enhancing the competitiveness of their members, and (2) conduct an industrial census for use in sectoral assistance. The department may contract with educational institutions, private consultants, or nonprofit organizations to facilitate the program's efforts.

The department shall report to the legislature by January 1, 1991, on the work of the program and make recommendations to the legislature on strategies and delivery systems for improving the competitiveness of new and mature manufacturing sectors in the state.

NEW SECTION, Sec. 36. EVALUATION OF RESEARCH AND DEVELOPMENT PROGRAMS. (1) The department of trade and economic development shall contract for an evaluation of publicly supported programs in the state that conduct research and development, provide technology transfer and commercialization services, and provide industrial extension services. The evaluation shall focus on the economic development and educational links to such programs.

(2) The department shall contract with a national expert on public sector involvement in science and technology and the utilization of applied research to support economic development.

(3) The evaluation shall analyze, among other things:

(a) The current public and private sector science and technology efforts in Washington state;

(b) The current public and private sector technology development, transfer, and commercialization efforts in Washington state;

(c) The current university-industry and private-public sector relationships in science and technology in Washington state;

(d) The current industrial extension activities of state educational institutions;

(e) The extent to which the efforts in (a), (b), (c), and (d) of this subsection are organized and coordinated on a state-wide basis;

(f) The current public sector efforts to transfer or protect new technology, including (i) the office of technology transfer at the University of Washington, (ii) the Washington research foundation, and (iii) the Washington State University research foundation; and

(g) The Washington technology center, created under RCW 28B.20.285, by conducting a comprehensive program strategy evaluation assessing the accomplishments and activities of the center regarding its perceived goals and objectives. The program strategy evaluation shall consider, but not be limited to:

(i) The science and technology areas focused on by the center in relation to the strengths and opportunities in the region and the state;

(ii) The economic impact of the Washington technology center to date;

(iii) Access to the Washington technology center throughout the state and by small and medium-sized businesses;

(iv) The commercialization of the Washington technology center's new technology;

(v) Whether the research is basic or applied and academically driven or industry-driven; and

(vi) The quality of the research.

(4) The evaluation required under this section shall include recommendations to the governor and the legislature. The recommendations shall be based on the reviews conducted under subsection (3) of this section and shall consider the efforts of other states in science and technology. The recommendations shall include, but not be limited to, the following:

(a) What structures the state should consider to most effectively identify and manage its science and technology interests;

(b) How the state can better coordinate public and private efforts in science and technology, particularly technology development, commercialization, and industrial extension;

(c) How the state can encourage and facilitate a greater number of entrepreneurs and small and medium-sized businesses having input and access to the Washington technology center, as well as access to commercially promising research being done at the state's universities and colleges;

(d) How the state can better assist in the formation of new business and the expansion of existing business to develop commercially promising technology into products and processes that result in more jobs and capital in the state;

(e) How public funds invested in science and technology can be effectively accounted for and evaluated; and

(f) Should the Washington technology center's structure or goals be changed based on the evaluation under subsection (3)(g) of this section.

(5) The department shall submit the evaluation and recommendations to the legislature and the governor by December 1, 1990.

NEW SECTION, Sec. 37. A new section is added to chapter 43.17 RCW to read as follows:

EXPEDITIOUS EXERCISE OF POWER TO ISSUE PERMITS, LICENSES, CERTIFICATIONS, CONTRACTS, AND GRANTS—COOPERATION. Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

NEW SECTION, Sec. 38. A new section is added to chapter 43.31 RCW to read as follows:

ASSISTANCE IN OBTAINING PERMITS, LICENSES, CERTIFICATIONS, AND GRANTS—RECOMMENDATIONS. (1) The business assistance center is authorized to assist individuals, businesses, local governments, and public or private organizations in obtaining permits, licenses, certifications, contracts, and grants that relate to economic development in the state and are required by law to be issued by state agencies.

(2) The business assistance center shall make recommendations to the governor and the legislature by January 1, 1991, regarding improvements in the processing of permits, licenses, certifications, contracts, and grants by state agencies. Such recommendations shall include recommendations on a process for resolving disputes that may arise when state agencies are requested to issue a permit, license, certification, contract, or grant.

NEW SECTION, Sec. 39. A new section is added to chapter 43.31 RCW to read as follows:

BID INFORMATION. The business assistance center of the department of trade and economic development shall make available on its electronic bulletin board a listing of all open bids issued by state agencies. The business assistance center shall develop and implement a marketing plan for this service to businesses and associate development organizations in the state.

The information made available on each bid shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and
- (4) When the bid is due.

The bid information may also be made available on a subscription basis through the mail. The business assistance center may charge a fee for bid information provided either electronically or through the mail to offset its costs. Associate development organizations shall receive bid information free of charge.

NEW SECTION, Sec. 40. A new section is added to chapter 43.19 RCW to read as follows:

BID INFORMATION—NOTIFICATION. All state institutions, colleges, community colleges, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state shall, when soliciting bids, notify the business assistance center of the department of trade and economic development in a format prescribed by the business assistance center and where possible by direct input to the electronic bulletin board, or if not possible by direct input, by either providing the information on a compatible data disk or if a compatible data disk is not reasonably possible, in writing, of the bid solicitation so that the information may be made available on the center's electronic bulletin board. The notification to the business assistance center shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and
- (4) When the bid is due.

The requirement of this section shall not apply to telephone requests for quotes authorized by the Washington state information services board created under chapter 43.105 RCW.

NEW SECTION, Sec. 41. A new section is added to chapter 82.32 RCW to read as follows:

BID INFORMATION—NOTICE TO BUSINESSES. The department of revenue shall send out a notice on the availability of bid information provided by the business assistance center under section 39 of this act twice during fiscal year 1991 and once yearly thereafter to all businesses paying taxes in this state.

Sec. 42. Section 12, chapter 446, Laws of 1985 as last amended by section 3, chapter 93, Laws of 1988 and RCW 43.155.070 are each amended to read as follows:

PUBLIC WORKS ASSISTANCE FUND—CONSIDER BENEFITS TO COMMUNITY. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

- (a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;
- (b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment; ~~((and))~~

(f) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(g) Other criteria that the board considers advisable.

(3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 43. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 62, chapter 431, Laws of 1989 and RCW 43.160.060 are each amended to read as follows:

COMMUNITY ECONOMIC REVITALIZATION BOARD—CONSIDER BENEFITS TO RURAL COMMUNITY—DESTINATION TOURIST RESORTS. The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, ~~((and))~~ industrial distribution, and destination tourist resorts; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but

not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; or (iv) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 44, Section 2, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 58, chapter 466, Laws of 1985 and RCW 43.160.020 are each amended to read as follows:

DESTINATION TOURIST RESORTS—DEFINITION. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Destination tourist resort" means a master planned tourism and recreation complex that:

(a) is developed primarily as a location for recreation and tourism activities that will be used primarily by nonresidents of the immediate area;

(b) Has elements that typically attract visitors for extended stays of two days or more;

(c) Includes: (i) Lodging facilities; (ii) eating and drinking establishments; and (iii) recreation and tourism amenities; and

(d) is generally located away from densely populated areas.

(5) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

((5)) (6) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

((6)) (7) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

((7)) (8) "Local government" means any port district, county, city, or town.

((8)) (9) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

((9)) (10) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

((10)) (11) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

Sec. 45, Section 5, chapter 164, Laws of 1985 as last amended by section 9, chapter 430, Laws of 1989 and RCW 43.168.050 are each amended to read as follows:

DEVELOPMENT LOAN FUND COMMITTEE—CONSIDER BENEFITS TO RURAL COMMUNITY.

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities or the maintenance of threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds:

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

Sec. 46, Section 7, chapter 125, Laws of 1984 as amended by section 33, chapter 505, Laws of 1987 and RCW 43.63A.078 are each amended to read as follows:

TECHNICAL ASSISTANCE GRANTS. (1) The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

(2) The department shall set aside, within its general fund appropriation, a sum of two hundred thousand dollars per biennium for technical assistance grants to assist community-based organizations in their efforts contributing to the redevelopment and economic well-being of low-income areas.

A maximum of forty percent of the funds set aside for technical assistance purposes provided in this subsection may be made available for technical assistance in organizational and board development to those organizations demonstrating a reasonable probability that such assistance will help them undertake a development project. A minimum of sixty percent of the funds set aside for technical assistance purposes shall be used for projects which meet the following standards:

(a) Community-based organizations have or will have a minimum ten percent ownership of the development project;

(b) The project is within a low-income area;

(c) The project has provided reasonable assurance that it will conform to all applicable environmental, zoning, and building laws;

(d) The benefits of the project, including the addition or retention of employment and of capital in the low-income area, shall primarily accrue to the residents of the area;

(e) There is a reasonable expectation that the project will be successful, and that the eligible organization and project participants are responsible parties;

(f) Alternative sources, including other agencies or institutions of the state or federal government, have been sought and are either insufficient or unavailable to meet the needs of the project;

(g) The technical assistance to be provided is essential to the success of the project;

(h) Provision has been made for the active participation in the project of residents of the low-income area; and

(i) Provisions have been made for reporting by the eligible organization concerning the manner in which the technical assistance is used on the project and the extent to which it achieves its intended results.

The amount required to be set aside under this section for the biennium ending June 30, 1991, shall be reduced or eliminated if a specific appropriation for the full amount required under this subsection is not made to the department by June 30, 1989.

Grant recipients under this subsection may be community-based organizations or state-wide organizations which provide technical assistance to community-based organizations.

(3) For purposes of subsection (2) of this section, "community-based organization" means:

(a) A nonprofit corporation organized under state law that:

(i) Is organized to operate within a specific substate area;

(ii) Has experience operating programs which directly benefit low-income citizens;

(iii) Has low-income people or representatives of organizations serving the low income on its board of directors.

(b) Any Native American tribal governing body.

NEW SECTION, Sec. 47. A new section is added to chapter 43.63A RCW to read as follows:

LOW-INCOME SELF EMPLOYMENT. The department of community development shall implement a self-employment loan program. The program shall provide grants to local development organizations to use solely in revolving loan funds to finance the small businesses of low-income persons. Grants are to be distributed through a competitive application process to be administered by the department in consultation with an advisory committee. Any organization receiving a grant must: (1) Demonstrate the need for a low-income, self-employment project in its community; (2) demonstrate the capacity of the organization to administer the project; and (3) describe the loan procedure and the self-employment training and support programs into which the loan fund will be incorporated. No grant shall be greater than sixty thousand dollars. An organization may provide loans from the grant award of no greater than five thousand dollars. No more than ten percent of any appropriation to the department for the program may be used by the department for administrative costs.

NEW SECTION, Sec. 48. APPROPRIATION--GENERAL FUND. Three million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development, for the biennium ending June 30, 1991, solely for the purpose of implementing section 4 of this act.

NEW SECTION, Sec. 49. (1) Sections 1 through 14 of this act shall constitute a new chapter in Title 36 RCW.

(2) Sections 15 through 18 of this act shall constitute a new chapter in Title 47 RCW.

Sec. 50. Section 5, chapter 137, Laws of 1974 ex. sess. as last amended by section 47, chapter 36, Laws of 1988 and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource that may be conducted without submitting an application or a notification;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. Class II shall not include forest practices:

(a) On lands platted after January 1, 1960, or being converted to another use;

(b) Which require approvals under the provisions of the hydraulics act, RCW 75.20.100;

(c) Within "shorelines of the state" as defined in RCW 90.58.030: or

(d) Excluded from Class II by the board;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) No Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) If a notification or application is delivered in person to the department by the operator or his agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, wildlife, and fisheries, and to the county ~~(in which)~~, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) If the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) The department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b) (i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) In addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) The department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) A county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 51. Section 6, chapter 137, Laws of 1974 ex. sess. as amended by section 3, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices regulations shall specify by whom and under what conditions the notification and application shall be signed. The application or notification shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and

(j) An affirmation that the statements contained in the notification or application are true.

(2) At the option of the applicant, the application or notification may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it.

(a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33, and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county ((or)), city, town, and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county ((or municipality)), city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(c) The application shall be either signed by the land owner or accompanied by a statement signed by the land owner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) The notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice.

NEW SECTION, Sec. 52. Section headings as used in this act do not constitute any part of the law.

NEW SECTION, Sec. 53. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "growth;" strike the remainder of the title and insert "amending RCW 36.81.121, 35.77.010, 35.58.2795, 43.210.010, 43.210.020, 43.31.005, 43.31.035, 43.63A.065, 43.155.070, 43.160.060, 43.160.020, 43.168.050, 43.63A.078, 76.09.050, and 76.09.060; adding new sections to chapter 36.70 RCW; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding a new chapter to Title 36 RCW; adding a new chapter to Title 47 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.63A RCW; creating new sections; and making an appropriation."

MOTION

On motion of Senator McCaslin, Engrossed Substitute House Bill No. 2929, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2929, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2929, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 13.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Niemi, Patrick, Patterson, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 36.

Voting nay: Senators Amondson, Craswell, DeJarnatt, Hansen, Hayner, Madsen, Moore, Newhouse, Owen, Rasmussen, Rinehart, Stratton, West - 13.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2416, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Chandler, Zellinsky, Anderson, Nutley and Winsley) (by request of Insurance Commissioner)

Changing multiply insurance statutes.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, Substitute House Bill No. 2416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2416.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2416 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Voting nay: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 2416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2694, by Representatives Cole, Holland, Leonard, Jacobsen and Betzoff

Extending the expiration date of the interim task force on student transportation safety.

The bill was read the second time.

MOTION

On motion of Senator Bailey, Engrossed House Bill No. 2694 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2694.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2694 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 46.

Voting nay: Senators Stratton, Wojahn - 2.

Absent: Senator Fleming - 1.

ENGROSSED HOUSE BILL NO. 2694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 2:25 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 3:12 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 1990

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4442, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4442.

MESSAGE FROM THE HOUSE

March 9, 1990

Mr. President:

The House has passed:

REENGROSSED HOUSE BILL NO. 2667,

REENGROSSED HOUSE BILL NO. 2888,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 2964, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

REHB 2667 by Representatives Phillips, Nutley, Nelson, Holland, Wang, Hankins, Wineberry and Anderson

Changing provisions relating to low-income home energy assistance and creating a joint select committee on low-income home energy assistance.

HOLD.

REHB 2888 by Representatives Appelwick, R. Meyers, Dorn, McLean, May and Wood

Establishing a new child support schedule.

HOLD.

RESHB 2964 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Schoon, H. Sommers, P. King and Betrozoff)

Authorizing bonds for capital facilities.

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended and Reengrossed House Bill No. 2667, Reengrossed House Bill No. 2888 and Reengrossed Substitute House Bill No. 2964 were advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

REENGROSSED HOUSE BILL NO. 2888, by Representatives Appelwick, R. Meyers, Dorn, McLean, May and Wood

Establishing a new child support schedule.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Reengrossed House Bill No. 2888 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hayner: "Senator Nelson, on page 8, lines 21 thru 29, does the reference to voluntary overtime pay above one hundred sixty-eight hours per month mean overtime in excess of one hundred sixty-eight hours of regular time?"

Senator Nelson: "Yes."

Senator Hayner: "Does the reference to income from employment in excess of forty hours per week to the extent derived from a second job mean income in excess of forty total hours per week from all jobs?"

Senator Nelson: "Yes."

Further debate ensued.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed House Bill No. 2888.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 2888 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Thorsness, von Reichbauer, Warnke, West - 33.

Voting nay: Senators Bender, Conner, Fleming, Lee, McMullen, Moore, Murray, Niemi, Rinehart, Stratton, Talmadge, Williams, Wojahn - 13.

Absent: Senators Amondson, McCaslin - 2.

Excused: Senator Vognild - 1.

REENGROSSED HOUSE BILL NO. 2888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED HOUSE BILL NO. 2667, by Representatives Phillips, Nutley, Nelson, Holland, Wang, Hankins, Wineberry and Anderson

Changing provisions relating to low-income home energy assistance and creating a joint select committee on low-income home energy assistance.

The bill was read the second time.

MOTION

On motion of Senator Benitz, Reengrossed House Bill No. 2667 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed House Bill No. 2667.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 2667 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauær, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Stratton - 1.

Absent: Senators Amondson, McCaslin - 2.

Excused: Senator Vognild - 1.

REENGROSSED HOUSE BILL NO. 2667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 1990

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Nutley, Cantwell and Betzoff.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2929 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2929 and the Senate amendments thereto: Senators McCaslin, Vognild and Amondson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 3:20 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:08 p.m. by President Pro Tempore Bluechel.

MESSAGE FROM THE HOUSE

March 9, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6407 with the following amendments:

Strike everything after the enacting clause and insert the following:

"INDEX

Accountancy Board, sec. 124
 Administrator for the Courts, sec. 108
 Agriculture Department, sec. 310
 Attorney General, sec. 115
 Basic Health Plan, sec. 229
 Belated Claims, sec. 705
 Central Washington University, secs. 601, 606
 Community College Education Board, secs. 601, 602
 Community Development Department, secs. 222, 223

Corrections Department, secs. 227, 228
 Court of Appeals, sec. 106
 Criminal Justice Training Commission, sec. 224
 Eastern Washington University, secs. 601, 605
 Ecology Department, sec. 302
 Employment Security Department, sec. 230
 Energy Office, sec. 301
 Environmental Hearings Office, sec. 304
 Financial Management Office, sec. 128
 Fisheries Department, sec. 306
 General Administration Department, sec. 121
 Governor, secs. 109, 703, 704, 707, 708
 Compensation, Salary, and Insurance Benefits, sec. 708
 Emergency Fund, sec. 707
 Self-Insurance Fund Premiums, sec. 703
 Tort Claims Revolving Fund, sec. 704
 Health Care Authority, sec. 221
 Health Department, sec. 220
 Higher Education Coordinating Board, secs. 601, 609, 610
 House of Representatives, sec. 101
 Indian Affairs, Governor's Office, sec. 113
 Information Services Department, sec. 122
 Institute of Applied Technology, sec. 611
 Insurance Commissioner, sec. 123
 Investment Board, sec. 118
 Judicial Conduct Commission, sec. 107
 Labor and Industries Department, sec. 225
 Licensing Department, secs. 402, 403
 Lieutenant Governor, sec. 110
 Liquor Control Board, sec. 125
 Minority and Women's Business Enterprises Office, sec. 120
 Natural Resources Department, secs. 308, 309
 Parks and Recreation Commission, sec. 303
 Personnel Department, sec. 116
 Pollution Liability Insurance Program, sec. 312
 Public Disclosure Commission, sec. 111
 Redistricting Commission, sec. 103
 Retirement Contributions, secs. 709, 710
 Retirement Systems Department, sec. 117
 Revenue Department, sec. 119
 Secretary of State, sec. 112
 Senate, sec. 102
 Social and Health Services Department, secs. 201-219
 Administration and Supporting Services, sec. 219
 Alcohol and Drug Support, secs. 212, 213, 228
 Children and Family Services, secs. 202-204
 Community Services Administration, sec. 217
 Community Social Services, sec. 211
 Developmental Disabilities Program, secs. 207, 208
 General Vendor Rate Increases, sec. 201
 Income Assistance Program, sec. 210
 Juvenile Rehabilitation Program, sec. 205
 Long-Term Care Services, sec. 209
 Medical Assistance Program, sec. 214
 Mental Health Program, sec. 206
 Payments to Other Agencies, sec. 219
 Public Health Program, sec. 215
 Revenue Collections Program, sec. 218
 State Actuary, sec. 104
 State Auditor, sec. 114
 State Capitol Historical Association, sec. 613
 State Convention and Trade Center, sec. 311
 State Library, sec. 612
 State Patrol, sec. 401
 State Treasurer, secs. 701, 702, 711
 Federal Revenues for Distribution, sec. 702
 State Revenues for Distribution, sec. 701
 Transfers, sec. 711

- Sundry Claims, sec. 706
- Superintendent of Public Instruction, secs. 501-517
 - Educational Clinics, sec. 517
 - Employee Compensation, secs. 503-505
 - General Apportionment, sec. 502
 - Handicapped Education, sec. 509
 - Highly Capable Students Programs, sec. 512
 - Institutional Education Programs, sec. 511
 - Learning Assistance Program, sec. 516
 - Local Effort Assistance, sec. 510
 - Pupil Transportation, sec. 506
 - School District Support, sec. 513
 - School Food Service Programs, sec. 508
 - Special and Pilot Programs, sec. 514
 - State Administration, sec. 501
 - Transitional Bilingual Programs, sec. 515
 - Vocational-Technical Institutes, sec. 507
- Supreme Court, sec. 105
- The Evergreen State College, secs. 601, 607
- Trade and Economic Development Department, sec. 305
- University of Washington, secs. 601, 603
- Utilities and Transportation Commission, sec. 126
- Veterans Affairs Department, sec. 226
- Volunteer Fire Fighters' Board, sec. 127
- Washington State University, secs. 601, 604
- Western Washington University, secs. 601, 608
- Wildlife Department, sec. 307

PART I
GENERAL GOVERNMENT

Sec. 101. Section 101, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

| | | |
|----------------------------|----|---------------------------------------|
| General Fund Appropriation | \$ | (49,300,000) 49,620,000 |
|----------------------------|----|---------------------------------------|

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$150,000 is provided solely to contract for an evaluation of Seattle public schools.
- (2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state.
- (3) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.
- (4) The joint select committee on Washington 2000 shall develop a plan and make recommendations for the implementation of an executive and legislative strategic planning process for the adoption of public policy and the funding of state programs. The plan shall address the role of the executive and legislative branches in strategic planning, identify methods to provide for citizen input, and make recommendations regarding the structures and processes that could be used by the executive branch and by the legislature, including the budget-setting process, to adopt and implement such a strategic plan. The committee shall submit a preliminary report of findings and recommendations to the 1991 legislature.

Sec. 102. Section 102, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENATE

| | | |
|----------------------------|----|------------|
| General Fund Appropriation | \$ | 36,751,000 |
|----------------------------|----|------------|

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$250,000 is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state.
- (2) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

NEW SECTION. Sec. 103. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE REDISTRICTING COMMISSION

| | | |
|----------------------------|----|---------|
| General Fund Appropriation | \$ | 221,000 |
|----------------------------|----|---------|

Sec. 104. Section 105, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

| | | |
|---|----|-------------------------------------|
| Department of Retirement Systems Expense Fund Appropriation | \$ | (1,098,000) 1,235,000 |
|---|----|-------------------------------------|

The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$100,000 is provided solely for implementation of the employee benefits communication project by the joint committee on pension policy.

Sec. 105. Section 108, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

| | | |
|----------------------------|----|---|
| General Fund Appropriation | \$ | ((13,404,000)) 13,527,000 |
|----------------------------|----|---|

The appropriation in this section is subject to the following conditions and limitations:

(1) \$30,000 is provided solely for replacement of lighting fixtures in the Temple of Justice;
and

(2) \$5,013,000 is provided solely for the indigent appeals program.

Sec. 106. Section 110, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

| | | |
|----------------------------|----|---|
| General Fund Appropriation | \$ | ((13,765,000)) 13,932,000 |
|----------------------------|----|---|

The appropriation in this section is subject to the following conditions and limitations: \$354,000 is provided solely for an additional judgeship in division I of the court of appeals. ~~((If neither Senate Bill No. 5109 nor House Bill No. 1802 is enacted by June 30, 1989, this amount of the appropriation shall lapse.))~~

Sec. 107. Section 111, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

| | | |
|----------------------------|----|-----------------------------------|
| General Fund Appropriation | \$ | ((594,000)) 769,000 |
|----------------------------|----|-----------------------------------|

The appropriation in this section is subject to the following conditions and limitations: \$75,000 is provided solely for the purpose of implementing Engrossed Substitute Senate Joint Resolution No. 8202.

Sec. 108. Section 112, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

| | | |
|---|----|---|
| General Fund Appropriation | \$ | ((26,401,000)) 27,707,000 |
| Public Safety and Education Account Appropriation | \$ | ((22,850,000)) 26,630,000 |
| Total Appropriation | \$ | ((49,331,000)) 54,337,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) ~~\$((15,555,000))~~ 16,681,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(5) \$200,000 of the public safety and education account appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119 (court interpreters). ~~((If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the guidelines of the department of information services. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost/benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; current and projected debt service costs; descriptions of the services provided to each court jurisdiction; and a plan for requiring local matching funds.

(10) \$100,000 of the general fund appropriation is provided solely for the purpose of developing a court facility and security standards project.

(11) \$130,000 of the public safety and education account appropriation is provided solely to implement recommendations from the gender and justice task force. Of this amount: (a) \$55,000 is provided solely for creation of a task force on domestic violence issues. The task force shall undertake a study of domestic violence issues in the criminal justice system, and make recommendations for domestic violence reform; (b) \$30,000 is provided solely for the office of the administrator for the courts to initiate measures to educate and train judges, attorneys, and court personnel on domestic violence issues; and (c) \$45,000 is provided solely for a joint study of spousal maintenance and property division issues by the legislature and the superior court judges' association. By January 1, 1991, the study shall recommend changes to achieve greater economic equity among family members following dissolution of a marriage.

(12) \$200,000 of the public safety and education account appropriation is provided solely for the minority and justice task force program. Of this amount: (a) A maximum of \$150,000 may be expended to support creation of a Washington state minority justice commission to examine issues of racism and discrimination in the courts, and to implement the recommendations of the minority and justice task force; and (b) \$50,000 is provided solely for the office of the administrator for the courts to develop standards for a minority employment and recruitment program to increase minority representation in the courts.

(13) \$1,000,000 of the public safety and education account appropriation is provided solely for the purpose of implementing Engrossed Substitute House Bill No. 1237. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(14) \$250,000 of the public safety and education account appropriation is provided solely for development of trial court demonstration projects. These funds are to be matched by an equal amount from federal funds. By January 1, 1990, the office shall report to the house of representatives appropriations committee and the senate ways and means committee on development of these projects.

(15) \$2,200,000 from the public safety and education account appropriation is provided solely for civil legal representation for indigents pursuant to Engrossed Substitute House Bill No. 1237. Of this amount, the administrator for the courts may not expend more than the amount collected through fees for this purpose under Engrossed House Bill No. 1237. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 109. Section 113, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

| | | |
|------------------------------------|----|---------------------------|
| General Fund Appropriation—State | \$ | ((11,894,000)) |
| | | 12,154,000 |
| General Fund Appropriation—Federal | \$ | 27,779,000 |
| Total Appropriation | \$ | ((39,673,000)) |
| | | 39,933,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$421,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$225,000 of the general fund—state appropriation is provided solely for the administration and activities of a governor's commission on African-American affairs.

(4) \$260,000 of the general fund—state appropriation is provided solely to establish and operate a crime victims' advocacy office pursuant to Engrossed Second Substitute Senate Bill No. 6259.

Sec. 110. Section 114, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

| | | |
|----------------------------------|----|------------------------|
| General Fund Appropriation | \$ | ((492,000)) |
| | | 542,000 |

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund appropriation is provided solely to establish an information clearinghouse to encourage and promote public/private partnerships.

Sec. 111. Section 115, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

| | | |
|----------------------------------|----|-------------------------|
| General Fund Appropriation | \$ | ((+289,000)) |
| | | 1,341,000 |

Sec. 112. Section 116, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

| | | |
|---|----|---------------------------|
| General Fund Appropriation | \$ | 8,042,000 |
| Archives and Records Management Account Appropriation | \$ | ((2,571,000)) |
| | | 2,659,000 |
| Department of Personnel Service Fund Appropriation | \$ | 447,000 |
| Total Appropriation | \$ | ((+1,060,000)) |
| | | 11,148,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$1,074,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$2,542,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

Sec. 113. Section 117, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

| | | |
|----------------------------------|----|------------------------|
| General Fund Appropriation | \$ | ((290,000)) |
| | | 299,000 |

Sec. 114. Section 120, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

| | | |
|--|----|----------------------------|
| General Fund Appropriation | \$ | 902,000 |
| Motor Vehicle Fund Appropriation | \$ | 225,000 |
| Municipal Revolving Fund Appropriation | \$ | ((+6,262,000)) |
| | | 16,567,000 |
| Auditing Services Revolving Fund Appropriation | \$ | ((+10,330,000)) |
| | | 10,395,000 |
| Total Appropriation | \$ | ((27,727,000)) |
| | | 28,089,000 |

The appropriations in this section are subject to the following conditions and limitations: \$305,000 of the municipal revolving fund appropriation is provided solely for the increased workload associated with examining municipal insurance pools.

Sec. 115. Section 122, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | ((6,188,000)) |
| | | 6,948,000 |
| General Fund Appropriation—Federal | \$ | 1,664,000 |
| Legal Services Revolving Fund Appropriation | \$ | ((70,713,000)) |
| | | 73,166,000 |
| Motor Vehicle Fund Appropriation | \$ | 761,000 |

| | | |
|---|----|---|
| New Motor Vehicle Arbitration Account Appropriation | \$ | 1,716,000 |
| Total Appropriation | \$ | ((81,042,000)) 84,255,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$761,000 of the motor vehicle fund appropriation is provided solely to pursue highway bid-rigging anti-trust litigation and shall be expended only after the office of financial management approves plans for any expenditures.

(2) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(3) ~~\$((81,000))~~ 941,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include ~~((the violent crimes of rape, robbery, and arson))~~ sexual offenses and other serious violent crimes pursuant to Engrossed Second Substitute Senate Bill No. 6259. The report shall include a local agency financial participation analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol. \$760,000 of the amount provided in this subsection shall not be expended until the report is submitted to the legislature.

(4) The attorney general shall prepare an expenditure report describing actual expenditures from the legal services revolving fund for each agency receiving legal services. The report shall cover expenditures for fiscal year 1990. For each agency, the report shall describe: (a) Estimated and actual expenditures, including expenditures authorized through interagency agreements; (b) estimated and actual staffing levels; (c) services provided; and (d) current and future legal issues facing the agency. The report shall be submitted to the office of financial management and the fiscal committees of the house of representatives and senate by September 1, 1990.

(5) The attorney general shall notify the fiscal committees of the house of representatives and senate of any proposed interagency agreement for legal services. Notification shall be provided concurrently with the initial submittal of information on the proposed agreement to the office of financial management. Notification shall describe the purpose of the agreement, the cost of the legal services, and the need, if any, for continuation of these legal services beyond the period covered under the agreement.

Sec. 116. Section 125, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

| | | |
|--|----|---|
| Department of Personnel Service Fund Appropriation | \$ | ((14,498,000)) 16,141,000 |
|--|----|---|

The appropriation in this section is subject to the following conditions and limitations:

(1) \$80,000 of this amount is provided solely for the establishment of the new leadership fellowship program with Hyogo prefecture in Japan.

(2) ~~((5670,000 is provided solely for implementation of Engrossed House Bill No. 1360, House Bill No. 2236, or the career executive management program portion of Substitute Senate Bill No. 5140. If none of these bills is enacted by June 30, 1989, the amount provided in this subsection shall lapse))~~ \$125,000 of the appropriation is provided solely for implementation of those portions of Engrossed House Bill No. 2567 or Senate Bill No. 6444 relating to the career executive program. If neither of these bills is enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(3) The department of personnel shall survey the compensation practices of comparable in-state and out-of-state law enforcement agencies. The survey shall consider the degree to which duties, skills, and working conditions are shared by classifications such as wildlife agents, fisheries agents, and members of the Washington state patrol, all of whom have full police powers. The department shall report on the survey findings to the legislature by January 1, 1990.

(4) \$169,000 is provided solely for the establishment and coordination of a state employee benefits communication program including, but not limited to, a combined benefits handbook and a combined benefits newsletter. The editorial policy for the benefits communication program shall be established by a board consisting of representatives of the office of the state actuary, the office of financial management, the department of personnel, the department of retirement systems, and the Washington state health care authority. The department shall report to the appropriate committees of the legislature on the progress of the benefits communication program by January 15, 1991.

(5) \$65,000 is provided solely for an additional staffperson with expertise in compensation policy.

Sec. 117. Section 130, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

| | | |
|---|----|---------------------------|
| Department of Retirement Systems Expense Fund Appropriation | \$ | ((22,381,000)) |
| | | 22,683,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$908,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

(6) \$250,000 is provided solely for preparation and distribution of educational and informational material on retirement for the members of the state's retirement systems. The material shall include, but not be limited to: Updating of the plan statements of the state's retirement systems in a readily understandable form; development of easily understood explanations of specific retirement benefits and procedures for obtaining such benefits; and orientation information on retirement.

(7) \$52,000 of the appropriation is provided solely to reimburse the department of personnel for costs incurred by the department of personnel related to production of a combined benefits handbook and a combined benefits newsletter.

Sec. 118. Section 131, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

| | | |
|--|----|--------------------------|
| State Investment Board Expense Account Appropriation | \$ | ((2,015,000)) |
| | | 2,121,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$142,000 is provided solely for the information systems project known as the "state-wide investment management system."

(2) \$10,000 is provided solely to cover travel expenses for beneficiary members of the board to travel to conferences for board-related investment discussions and training.

Sec. 119. Section 132, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

| | | |
|---|----|---------------------------|
| General Fund Appropriation | \$ | ((75,729,000)) |
| | | 77,973,000 |
| Timber Tax Distribution Account Appropriation | \$ | ((3,382,000)) |
| | | 3,396,000 |
| State Toxics Control Account Appropriation | \$ | 100,000 |
| Solid Waste Management Account Appropriation | \$ | 92,000 |
| Pollution Liability Reinsurance Trust Account Appropriation | \$ | 286,000 |
| Vehicle Tire Recycling Account Appropriation | \$ | 122,000 |
| Total Appropriation | \$ | ((79,711,000)) |
| | | 81,969,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$286,000 of the pollution liability reinsurance trust account appropriation is provided solely for implementation of Second Substitute House Bill No. 1180. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) \$122,000 of the vehicle tire recycling account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(4) \$1,936,000 of the general fund appropriation is provided solely for the cost of litigation involving the railroad revitalization and regulatory reform act.

Sec. 120. Section 136, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

| | | |
|----------------------------------|----|--------------------------|
| General Fund Appropriation | \$ | ((2,076,000)) |
| | | 2,191,000 |

Sec. 121. Section 137, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((8,576,000)) |
| | | 9,518,000 |
| General Fund Appropriation—Federal | \$ | 1,715,000 |
| General Fund Appropriation—Private/Local | \$ | 99,000 |
| Motor Vehicle Fund Appropriation | \$ | ((330,000)) |
| | | 368,000 |
| Resource Management Cost Account Appropriation | \$ | 2,000 |
| State Wildlife Account Appropriation | \$ | 4,000 |
| Accident Fund Appropriation | \$ | 1,000 |
| State Patrol Highway Account Appropriation | \$ | 228,000 |
| Motor Transport Account Appropriation | \$ | ((10,712,000)) |
| | | 10,745,000 |
| General Administration Facilities and Services Revolving Fund Appropriation | \$ | ((21,498,000)) |
| | | 22,998,000 |
| Total Appropriation | \$ | ((43,158,000)) |
| | | 45,678,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund appropriation (~~and~~), state patrol highway account appropriation, resource management cost account appropriation, state wildlife account appropriation, and accident account appropriation are provided solely for risk management activities related to (~~the motor vehicle fund and the state patrol highway account~~) those specific funds and accounts.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

(3) \$120,000 of the general fund—state appropriation is provided solely to fund the provisions of House Bill No. 2802. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 122. Section 138, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

| | | |
|--|----|-----------|
| Data Processing Revolving Fund Appropriation | \$ | 2,392,000 |
| General Fund Appropriation | \$ | 209,000 |
| Total Appropriation | \$ | 2,601,000 |

The appropriations in this section are subject to the following conditions and limitations: The entire general fund appropriation is provided solely to develop a plan for a state-wide video telecommunications system. The plan shall: (1) Provide for an incremental and coordinated approach to development of a state-wide video telecommunications system; (2) consider the long-term video telecommunications needs of school districts, vocational-technical institutes, community colleges, universities, and state agencies; (3) provide options for resolving access and governance issues; (4) seek to efficiently utilize existing resources and equipment; (5) estimate future budget needs; and (6) assess available funding options. The department shall submit the plan to the legislature by December 1, 1990.

Sec. 123. Section 139, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

| | | |
|---|----|---------------------------|
| Insurance Commissioner's Regulatory Account Appropriation | \$ | ((12,126,000)) |
| | | 12,471,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$455,000 of the insurance commissioner's regulatory account appropriation is provided solely for the senior health insurance benefits advisors programs.

(2) The insurance commissioner shall report to the appropriate committees of the legislature by December 1, 1990, on the availability and cost of property insurance for businesses and residences located in inner city areas. The report shall analyze options for increasing the availability and reducing the cost of such insurance.

Sec. 124. Section 140, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

| | | |
|---|----|--------------------------|
| General Fund Appropriation | \$ | ((443,000)) |
| | | 461,000 |
| Certified Public Accountant Examination Account Appropriation | \$ | 655,000 |
| Total Appropriation | \$ | ((1,098,000)) |
| | | 1,116,000 |

Sec. 125. Section 144, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

| | | |
|---|----|---------------------------|
| Liquor Revolving Fund Appropriation | \$ | ((95,098,000)) |
| | | 95,148,000 |

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely for the board to develop and implement a bailment inventory program.

Sec. 126. Section 146, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

| | | |
|--|----|---------------------------|
| Public Service Revolving Fund Appropriation | \$ | ((26,245,000)) |
| | | 26,522,000 |
| Grade Crossing Protective Fund Appropriation | \$ | 320,000 |
| Total Appropriation | \$ | ((26,565,000)) |
| | | 26,842,000 |

The appropriations in this section are subject to the following conditions and limitations: ~~S((347,000))~~ 277,000 of the public service revolving fund appropriation is ~~((contingent on the enactment))~~ provided solely for implementation of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

Sec. 127. Section 147, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER ~~((FIREMEN))~~ FIREFIGHTERS

| | | |
|---|----|------------------------|
| Volunteer ((Firefighter's)) Firefighters' Relief and Pension Administrative Fund Appropriation | \$ | ((315,000)) |
| | | 328,000 |

Sec. 128. Section 123, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

| | | |
|---|----|---------------------------|
| General Fund Appropriation | \$ | ((22,519,000)) |
| | | 23,369,000 |
| Hospital Commission Account Appropriation | \$ | 844,000 |
| Motor Vehicle Fund Appropriation | \$ | 101,000 |
| Total Appropriation | \$ | ((23,464,000)) |
| | | 24,314,000 |

The appropriations in this section are subject to the following conditions and limitations: ~~((2))~~ (1) \$845,000 of the general fund appropriation and \$844,000 of the hospital commission account appropriation are provided solely for fiscal year 1991 and are subject to the following conditions:

(a) If, by June 30, 1989, Substitute Senate Bill No. 5385 (hospital data collection) is enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of Substitute Senate Bill No. 5385.

(b) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of data collection previously performed by the hospital commission.

(c) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is not created, the amounts provided in this subsection shall be retained by the office of financial management solely for the purposes of data collection previously performed by the hospital commission.

~~((7))~~ (2) The office of financial management shall study the effect on county revenues resulting from the designation of timber for processing within the state as specified under section 2 of Substitute Senate Bill No. 5911. The study shall determine the magnitude of revenue changes and shall include recommendations on methods to determine whether county forest board revenues declined, the amount of any decline, and possible methods to compensate counties for any decrease in revenue. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

(3) Within the appropriations provided in this section, the office of financial management shall study the state's program for the school for the blind and the school for the deaf. The study shall determine the management organization and fiscal practices necessary for maximum operational and financial efficiency of the school. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

(4) Within the appropriations provided in this section, the Washington state commission for efficiency and accountability shall develop a plan for the department of labor and industries to encourage voluntary compliance with employment standards by providing information to employers, auditing employers, and investigating alleged violations of the standards. The plan shall include a system of reporting the department's enforcement workload. The plan shall

propose particular strategies for ensuring compliance with laws governing child labor, over-time compensation, and prevailing wages. The commission shall provide to the 1991 legislature a range of options to recover the costs of enforcement of each regulatory program. The legislature intends that businesses complying with employment standards not suffer a competitive disadvantage due to the noncompliance of other businesses.

(5) \$750,000 of the general fund appropriation is provided solely for a study of Washington employment training needs, and for an evaluation of current employment training providers and systems, as part of the human capital investment program described in Engrossed Second Substitute House Bill No. 2348. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$100,000 of the general fund appropriation is provided solely for the office to support development of a coordinated state approach to timber supply issues. This allocation is intended as a one-time contribution only.

(7) The Washington state commission for efficiency and accountability in government shall develop a plan and make recommendations for a structure, process, and methodologies to evaluate program effectiveness. The plan shall address general evaluation research techniques, data requirements, and cost estimates of various methods to evaluate the effectiveness of state-funded programs. The plan shall identify alternatives to current program evaluation that are based on the evaluation of expected programmatic outcomes. The commission shall submit a preliminary report of findings and recommendations to the appropriate legislative committees no later than January 1, 1991.

PART II
HUMAN SERVICES

Sec. 201. Section 202, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases that specifically reference this section and that are funded by appropriations in sections 201 through 219 of this act ((which reference this section)), the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider the gap between the vendor group's costs or market rates and department rates, and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on January 1, 1990, does not exceed three percent and that the average overall increase on January 1, 1991, does not exceed two percent. The department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section does not apply to rates for hospitals and nursing homes reimbursed under chapter 74.46 RCW.

Sec. 202. Section 203, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

| | | |
|---|-----------|---|
| General Fund Appropriation—State | \$ | ((262,486,000)) 282,790,000 |
| General Fund Appropriation—Federal | \$ | ((161,172,000)) 171,502,000 |
| Public Safety and Education Account Appropriation | \$ | 400,000 |
| <u>Drug Enforcement and Education Account—State Appropriation</u> | <u>\$</u> | <u>2,000,000</u> |
| Total Appropriation | \$ | ((424,666,000)) 456,692,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,152,000 of the general fund—state appropriation and \$293,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation and \$591,000 of the general fund—

federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$3,926,000 of the general fund—state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$694,000 of the general fund—state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, and Jefferson counties.

(7) \$300,000 of the general fund—state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which support may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$5,133,000 of the general fund—state appropriation and \$2,559,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund—state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spent for grants or loans to employers.

(12) \$500,000 of the general fund—state appropriation is provided solely for continuation of the "continuum of care" projects as provided for in section 203(15), chapter 289, Laws of 1988, through June 30, 1990.

(13) \$2,000,000 of the drug enforcement and education account—state appropriation is provided solely for the care of children affected by substance abuse by their mothers. Of this amount:

(a) \$600,000 is provided solely for the treatment of infants who are medically fragile as a result of substance abuse by their mothers. Treatment shall be provided at pediatric interim care centers that give temporary medical care to detoxify foster care infants born under the influence of cocaine or other drugs, including alcohol; and

(b) \$1,400,000 is provided solely to increase the number of special needs infants and children receiving therapeutic child care services.

(14) \$600,000 from the general fund—state appropriation is provided solely for child care for clients of the maternity care access ("first steps") program.

(15) \$1,700,000 of the general fund—state appropriation and \$111,000 of the general fund—federal appropriation are provided solely for child care licensing. The legislature intends that .3 of an attorney general FTE shall be added at the effective date of this act, and that an additional 2.0 attorneys general FTEs shall be added effective January 1, 1991.

(16) \$9,800,000 of the general fund—state appropriation and \$1,292,000 of the general fund—federal appropriation are provided solely for vendor rate increases for out-of-home placements.

(17) \$924,000 of the general fund—state appropriation and \$126,000 of the general fund—federal appropriation are provided solely for contracts, including administrative costs, for transportation of clients of child protective services and child welfare services. The legislature intends that this amount help reduce the time that caseworkers must spend transporting clients.

(18) \$3,700,000 of the general fund—state appropriation is provided solely to implement the family independence program child care rate structure and child slot system in other child care programs offered by the department.

(19) \$2,000,000 of the general fund—state appropriation is provided solely for increases in the number of department-subsidized slots for child care.

(20) \$1,650,000 of the general fund—state appropriation is provided solely for the continuation of the four continuum-of-care sites until June 30, 1991. The legislature intends that this amount shall be used for direct services provided at these sites and to collect risk assessment data on children served by the sites.

(21) \$245,000 of the general fund—state appropriation is provided solely for parent education and support, including such groups as Parents Anonymous. Of this amount, \$45,000 is provided for the Washington Council for the Prevention of Child Abuse and Neglect to monitor programs and further develop the database clearinghouse project.

(22) \$380,000 of the general fund—state appropriation is provided solely for increased compensation for residential care services provided by the Seattle YMCA.

(23) \$2,000,000 of the general fund—state appropriation is provided solely for the expansion of the Women, Infants and Children program to include children ages three through six.

(24) \$750,000 of the general fund—state appropriation is provided solely for additional funding for the annual family planning service package and services related to sexually transmitted diseases. The department shall ensure that this additional funding is not used to supplant current funding efforts.

(25) \$500,000 of the general fund—state appropriation is provided solely for domestic violence programs.

(26) \$2,500,000 of the general fund—state appropriation is provided solely for establishment of a program for pregnancy prevention and support for young pregnant women and their partners.

(a) Of this amount, \$2,180,000 is provided solely for administration and funding of six comprehensive community-based pilot projects for teen pregnancy prevention and support for young pregnant women and their partners. Applications for funding shall:

(i) Define the community requesting services;

(ii) Contain evidence of active participation of public and private entities in the community that are, or might appropriately provide, pregnancy prevention activities and services to support young pregnant women and their partners;

(iii) Demonstrate establishment of a local project advisory board composed of teenagers and a broad cross-section of community members who have an interest in teen pregnancy prevention and support to young pregnant women and their partners;

(iv) Indicate the designation, by majority vote of the local project advisory board, of a lead agency for the project, and provide evidence of written interagency agreements to carry out project activities;

(v) Describe the coordinated system that the community will develop for providing services under the project;

(vi) Describe the services and activities that will be undertaken by the project, including identification of specific services and activities for which funding is requested, that have the goal of achieving the following outcomes: increasing the number of community members receiving pregnancy prevention and pregnancy support education and services, reducing teen pregnancy rates, and increasing the number of teen parents completing high school or vocational training, and becoming employed;

(vii) Provide assurances that priority for services, other than educational programs, will be given to people with low incomes;

(viii) Provide assurances that the project will be sensitive and responsive to the plurality of community values and to the cultural and ethnic heritage of community members;

(ix) Identify community matching funds, provided in cash or in kind by private or public entities in the community equal to twenty-five percent of the total funding requested for the project; and

(x) Provide assurances that the project will cooperate, through the provision of requested data and information, with evaluation of the project.

Funds provided to communities under this subsection shall not be expended for medical services funded pursuant to chapter 74.09 RCW. Project grants shall be made competitively, based upon information provided in the applications for funding and the likelihood of achieving the outcomes specified in (a)(vi) of this subsection. Projects shall have an initial duration of two years. Individual project funding shall not exceed five hundred thousand dollars per year, including community matching funds.

(b) Of this amount, \$20,000 is provided solely for design of an evaluation by an independent entity of the effectiveness of the program established by this subsection.

(c) Of this amount, \$300,000 is provided solely for a state-wide media campaign on teen pregnancy prevention and pregnancy options, including adoption, directed to teens, their parents, and organizations working with teens.

The department shall report on the status of implementation of the program and proposed design of the evaluation to appropriate committees of the legislature on or before January 1, 1991.

On January 1, 1991, all remaining funds appropriated pursuant to this subsection shall be transferred to the department of health, when the division of parent and child health services is transferred pursuant to RCW 43.70.080.

(27) \$55,000 of the general fund—state appropriation is provided solely for the Crosswalks Street Youth Program.

(28) \$1,196,000 of the general fund—state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(29) \$175,000 of the general fund—state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective caseworkers pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(30) \$1,525,000 of the general fund—state appropriation is provided solely for treatment of sexually abused children pursuant to section 1402 of Engrossed Second Substitute Senate Bill No. 6259.

NEW SECTION, Sec. 203. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

The sum of \$9,138,000, or as much thereof as may be necessary, of which \$1,138,000 shall be from federal funds, is appropriated from the general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, solely for the cost of additional caseworkers for child protective services and child welfare services who are hired above the level appropriated by the legislature in the 1989 legislative session, in order to reduce the caseload ratios in those services. Of this amount, at least \$6,000,000 shall be used for salaries and benefits of the caseworkers, no more than \$845,000 may be used for additional attorneys general and support staff, and the balance shall be used for equipment, office space, and additional clerical support.

Sec. 204. Section 14, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The sum of ten million one hundred fifty-three thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand dollars shall be from federal funds, is appropriated from the ((state)) general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act. At least \$100,000 of the appropriation shall be spent for public education and information on the service system.

Sec. 205. Section 204, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((33,512,000)) |
| | | <u>34,809,000</u> |
| General Fund Appropriation—Federal | \$ | 134,000 |
| Total Appropriation | \$ | ((33,646,000)) |
| | | <u>34,943,000</u> |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$418,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(b) \$554,000 of the general fund—state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(c) \$1,606,000 of the general fund—state appropriation is provided solely for the cost of court ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(d) \$150,000 of the general fund—state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(e) \$171,000 of the general fund—state appropriation is provided solely for the costs of establishing three regional juvenile sex offender treatment coordinators, providing training for regional staff, and establishing resource libraries, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((47,370,000)) |
| | | <u>47,729,000</u> |
| General Fund Appropriation—Federal | \$ | 871,000 |

Total Appropriation \$ ~~((48,241,000))~~
48,600,000

The appropriations in this section are subject to the following conditions and limitations:

(a) The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

~~((a))~~ (i) Offenders who can be diverted to community programs;

~~((b))~~ (ii) Community programs necessary to successfully divert offenders from state facilities;

~~((c))~~ (iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;

~~((d))~~ (iv) The costs to state and local organizations to accomplish the plan; and

~~((e))~~ (v) Policy changes necessary to accomplish the plan.

(b) \$284,000 of the general fund—state appropriation is provided solely for three institutional juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(3) PROGRAM SUPPORT

General Fund Appropriation \$ 2,905,000

Sec. 206, Section 205, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State \$ ~~((168,222,000))~~
180,113,000

General Fund Appropriation—Federal \$ ~~((91,552,000))~~
94,945,000

General Fund Appropriation—Local \$ 3,360,000

Total Appropriation \$ ~~((263,134,000))~~
278,418,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$33,012,000 of the general fund—state appropriation and \$16,057,000 of the general fund—federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts ~~((with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.))~~ only with networks that received recognition as of January 1, 1990. Funding for networks that were recognized but not funded in January 1990, shall commence January 1, 1991.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

(b) \$2,000,000 of the general fund—state appropriation is provided solely for a mental health housing reserve. The secretary of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast adjusted to eliminate the bed contract assumption. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services, and are designed to reduce involuntary treatment.

(c) \$5,500,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund—state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989.

(e) \$600,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for increasing local hospital outlier payments.

(f) \$1,400,000 of the general fund—state appropriation and \$500,000 of the general fund—federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund—state appropriation and \$1,322,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(h) \$3,000,000 of the general fund—state appropriation and \$2,000,000 of the general fund—federal appropriation are provided solely for the enhancement of children's mental health services. The department shall contract with networks and counties through separate performance-based contracts. Applications from counties and networks shall include endorsements from affected school districts, child welfare agencies, juvenile court systems, and tribes. Of these amounts, \$200,000 is provided solely for the development of a state-wide action plan for children's mental health. The plan shall include strategies to reduce duplicate case management. It shall recommend changes, if necessary, to mental health statutes and other statutes to accommodate children's special needs and circumstances. It shall include proposals to increase access and availability of culturally relevant mental health services for minority children. It shall propose a protocol for client referrals from educational and social service agencies and a cross-system collaborative process for ranking those referrals. In developing the plan, the department shall involve representatives of the education, juvenile justice, child welfare, and mental health systems. The department shall present the plan by December 1, 1990, to the appropriate program and fiscal committees of the house of representatives and the senate.

(i) \$1,500,000 of the general fund—state appropriation is provided solely for up to three comprehensive community-based pilot programs for the prevention of community violence:

(i) Pilot programs shall be established through a competitive selection process and shall provide for coordination between local law enforcement agencies and courts, local government, domestic violence and victims' support programs, public health agencies, health care providers, schools, and relevant programs within state agencies. Each program shall designate a lead agency, and develop written interagency agreements to provide a coordinated continuum of services. Pilot programs shall make every effort to preserve existing violence intervention programs and coordinate available funding for services related to community violence prevention and services to victims of violence.

(ii) Each pilot program shall provide at least the following services: Services to family members who are victims of violence; services to victims of violent crime; case management services; specialized intervention programs for treatment of perpetrators of violence; parenting and caregiver training to families experiencing or at-risk of experiencing violence; and public education regarding community violence.

(iii) Twenty-five percent of the funding for pilot programs shall be provided in-kind or in cash by public or private entities in communities administering pilot programs.

(iv) Pilot programs shall have a duration of three years, and shall include a provision for evaluation of services provided through the program.

(2) INSTITUTIONAL SERVICES

| | | |
|------------------------------------|----|---|
| General Fund Appropriation—State | \$ | ((205,687,000)) 208,720,000 |
| General Fund Appropriation—Federal | \$ | ((+10,869,000)) 10,877,000 |
| Total Appropriation | \$ | ((216,496,000)) 219,597,000 |

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund—state appropriation and \$560,000 of the general fund—federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses who agree to serve at the state hospitals or who agree to serve community mental health providers in underserved areas.

(g) \$960,000 of the general fund—state appropriation is provided solely for costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(h) \$654,000 of the general fund—state appropriation is provided solely for providing treatment of civilly committed sexual predators pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(3) PROGRAM SUPPORT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 3,347,000 |
| General Fund Appropriation—Federal | \$ | 1,379,000 |
| Total Appropriation | \$ | 4,726,000 |

(4) SPECIAL PROJECTS

| | | |
|--|----|--------------------------|
| General Fund Appropriation—State | \$ | ((1,258,000)) |
| | | 1,858,000 |
| General Fund Appropriation—Federal | \$ | 2,966,000 |
| Total Appropriation | \$ | ((4,224,000)) |
| | | 4,824,000 |

The appropriation in this subsection is subject to the following conditions and limitations: ~~\$(~~600,000~~)~~ 1,200,000 of the general fund—state appropriation is provided solely to expand the primary intervention program to ~~((ten))~~ twenty additional school districts beginning in ~~((1989-90))~~ 1989-91.

Sec. 207, Section 206, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

| | | |
|--|----|----------------------------|
| General Fund Appropriation—State | \$ | ((104,169,000)) |
| | | 120,499,000 |
| General Fund Appropriation—Federal | \$ | ((85,326,000)) |
| | | 99,402,000 |
| Total Appropriation | \$ | ((189,495,000)) |
| | | 219,901,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$992,000 of the general fund—state appropriation and \$669,000 of the general fund—federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes organization. The department may transfer up to \$238,000 of the general fund—state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund—state appropriation and \$477,000 of the general fund—federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$2,785,000 of the general fund—state appropriation and \$1,413,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(e) \$8,194,000 of the general fund—state appropriation and \$5,462,000 of the general fund—federal appropriation are provided solely for salary and benefit increases, effective

April 1, 1990, for employees at community-contracted residential facilities serving the developmentally disabled.

(f) \$300,000 of the general fund—state appropriation is provided solely for contracting with a not-for-profit organization for the purpose of promoting supported employment services for the developmentally disabled. Any agreement for the use of a portion of this appropriation shall require that an amount at least equal to one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the not-for-profit organization at the end of the biennium to ensure that the organization has secured the required matching funds.

(g) \$1,500,000 of the general fund—state appropriation is provided solely for salary and benefit increases for employees at community contracted programs providing vocational services to developmentally disabled adults as of January 1, 1990. The amount provided in this subsection shall be disbursed as a rate increase of a dollar-amount per client in service as of January 1, 1990, and shall take effect on July 1, 1990.

(h) \$1,391,000 of the general fund—state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((104,849,000)) 105,025,000 |
| General Fund Appropriation—Federal | \$ | ((17,467,000)) 127,731,000 |
| Total Appropriation | \$ | ((222,336,000)) 232,756,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,000,000 of the general fund—state appropriation and \$675,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund—state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(c) The appropriations in this subsection do not include amounts for salary increases for attendant counselors, which are provided in section 707 of this act.

(3) PROGRAM SUPPORT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 3,879,000 |
| General Fund Appropriation—Federal | \$ | 626,000 |
| Total Appropriation | \$ | 4,505,000 |

NEW SECTION. Sec. 208. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

(1) The appropriations in section 207 of this act include funds for operation of private or state-operated community residential facilities for clients currently residing in state-operated residential habilitation centers. These clients shall be placed in community residential programs under RCW 71A.20.080 to facilitate continued compliance with federal intermediate care facility-mentally retarded certification standards.

(2) Clients affected by this section, and their parents or guardians, shall be offered: (a) Tours of potential community placements and day service programs; and (b) the opportunity to meet with program administrators, and with residents and their parents or guardians who have previously moved back to the community from residential habilitation centers. The secretary of the department of social and health services shall develop a coordinated and collaborative planning process involving the residents and their parents, guardians, or other representatives, state employees, community residential and day service providers, and other appropriate organizations, to ensure the residents' best interests are considered.

(3) The secretary shall report to appropriate legislative committees on the number and residential living status of clients who return to the community. The report shall include: (a) A description of the process used to place residents; (b) procedures designed to ensure their medical and habilitative needs are met; and (c) The implementation of activities involved in returning clients to the community. The first report shall be submitted by September 1, 1990. The second legislative report shall be submitted by January 1, 1991.

Sec. 209. Section 207, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((445,753,000)) 459,393,000 |
| General Fund Appropriation—Federal | \$ | ((499,165,000)) 518,310,000 |

| | | |
|--|----|---|
| General Fund Appropriation—Local | \$ | 296,000 |
| Total Appropriation | \$ | ((945,234,000)) 977,999,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$3,200,000 of the general fund—state appropriation is provided solely to enhance respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$2,100,000 of the general fund—state appropriation and \$700,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund—state appropriation and \$2,464,000 of the general fund—federal appropriation are provided solely for expansion of the community options entry program.

(8) \$700,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund—state appropriation and \$813,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund—state appropriation and \$1,590,000 of the general fund—federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) \$3,686,000, of which \$1,596,000 is from the general fund—state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at \$1,000 per month per at-home spouse.

(13) The department shall seek to amend the Title XIX long-term care plan and related regulations to prevent nursing home placements of mentally ill persons eligible for Medicaid who are determined by the department not to be in need of a nursing home level of care. The department shall adopt procedures for referring these individuals to the regional support networks for appropriate residential services.

(14) \$3,400,000 from the general fund—federal appropriation and \$2,800,000 from the general fund—state appropriation are provided solely to increase the nursing services cost center reimbursement lid pursuant to Substitute House Bill No. 2423. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 210, Section 208, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((374,337,000)) 438,538,000 |
| General Fund Appropriation—Federal | \$ | ((406,064,000)) 568,525,000 |
| Total Appropriation | \$ | ((780,421,000)) 1,007,063,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,661,000 of the general fund—state appropriation and \$10,026,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to ~~\$(200,000,000)~~ 230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

| | | | | | | | | |
|--------------|------------------|---------------|---------------|---------------|---------------|---------------|----------------|-----------------|
| Family size: | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 or more |
| Exemption: | \$(36 | 47 | 56 | 67 | 77 | 87 | 101 | 111) |
| | <u>63</u> | <u>81</u> | <u>99</u> | <u>117</u> | <u>135</u> | <u>153</u> | <u>177</u> | <u>195</u> |

~~((4))~~ (3) \$250,000 of the general fund—state appropriation and \$117,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

~~((5))~~ (4) The department shall expand the family independence program by four sites to a total of fifteen sites.

~~((6))~~ (5) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

(6) \$13,346,000 of the general fund—state appropriation and \$13,132,000 of the general fund—federal appropriation are provided solely for an income assistance grant increase of 8.6% effective January 1, 1991. This grant increase is sufficient to meet the 1989-91 biennium requirements for grant increases under Engrossed Second Substitute House Bill No. 2910.

(7) \$3,143,000 of the general fund—state appropriation and \$283,000 of the general fund—federal appropriation are provided solely for implementing Substitute House Bill No. 2610. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(8) \$430,000 of the general fund—state appropriation and \$506,000 of the general fund—federal appropriation are provided solely for emergency rent and utility deposits for aid to families with dependent children clients and general assistance clients.

(9) \$1,700,000 of the general fund—state appropriation is provided solely for general assistance-unemployable intensive protective payees.

Sec. 211. Section 210, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | 28,872,000 |
| General Fund Appropriation—Federal | \$ | ((17,651,000)) |
| | | 38,941,000 |
| Drug Enforcement and Education Account—State Appropriation | \$ | 2,300,000 |
| Total Appropriation | \$ | ((46,523,000)) |
| | | 70,113,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,204,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund—state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

(4) \$550,000 of the drug enforcement and education account—state appropriation is provided solely for youth employment programs for drug-involved youth who are or have been under the jurisdiction of the department of social and health services, division of juvenile rehabilitation. Services shall be provided by the corrections clearinghouse and Washington service corps operated by the department of employment security.

(5) \$500,000 of the drug enforcement and education account—state appropriation is provided solely for outreach to chemically dependent pregnant women and for the operation of transitional sobriety housing for recovering chemically dependent pregnant women and their children.

(6) \$1,250,000 of the drug enforcement and education account—state appropriation is provided solely for drug treatment for families and disadvantaged groups.

Sec. 212. Section 211, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—ASSESSMENT AND TREATMENT

| | | |
|--|----|---------------------|
| General Fund Appropriation—State | \$ | ((17,116,000)) |
| | | <u>\$17,727,000</u> |
| General Fund Appropriation—Federal | \$ | 9,948,000 |
| Total Appropriation | \$ | ((27,064,000)) |
| | | <u>27,675,000</u> |

The appropriations in this section ((is) are subject to the following conditions and limitations:

(1) This appropriation is provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) \$1,528,000 of the general fund—state appropriation is provided solely for child care for children of parents in outpatient drug and alcohol treatment.

Sec. 213, Section 212, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—SHELTER

| | | |
|----------------------------------|----|------------------|
| General Fund Appropriation | \$ | ((10,639,000)) |
| | | <u>3,423,000</u> |

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005;

(b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and

(c) (i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

Sec. 214, Section 213, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

| | | |
|--|----|----------------------|
| General Fund Appropriation—State | \$ | ((688,479,000)) |
| | | <u>700,492,000</u> |
| General Fund Appropriation—Federal | \$ | ((666,599,000)) |
| | | <u>691,877,000</u> |
| Total Appropriation | \$ | ((1,355,078,000)) |
| | | <u>1,392,369,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

(3) The department shall continue variable ratable reductions for the medically indigent and general assistance—unemployable programs in effect November 1, 1988.

(4) \$7,014,000 of the general fund—state appropriation and \$6,928,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(5) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund—state appropriation, and a maximum of \$39,921,000 of the general fund—federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(6) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(7) \$7,552,000 of the general fund—state appropriation and \$7,237,000 of the general fund—federal appropriation are provided solely to increase children's access to basic health care through increases in payment rates for medical assistance and children's health services. \$1,652,000 of the general fund—state amount and \$553,000 of the general fund—federal amount in this subsection are provided solely to increase rates for managed care providers. The department shall adjust rates to ensure that no managed care provider is paid less than the state-wide average fee-for-service equivalent. The rate increases provided in this subsection shall become effective July 1, 1990.

(8) \$1,900,000 of the general fund—state appropriation and \$2,000,000 of the general fund—federal appropriation are provided for the restoration of chiropractic services for medical assistance clients beginning November 1, 1990.

(9) \$4,474,000 of the general fund—state appropriation and \$2,155,000 of the general fund—federal appropriation are provided solely for the improvement of low-income children's access to health care and for the expansion of health care services for children up to age eighteen from families with incomes below the federal poverty level. If Engrossed Substitute House Bill No. 2603 is enacted by June 30, 1990, the expansion shall become effective January 1, 1991. If Engrossed Substitute House Bill No. 2603 is not enacted by June 30, 1990, the amounts provided in this subsection shall lapse.

(10) The department may, by intra-agency agreement, transfer funding from the appropriations for the medical assistance program to other department programs to provide non-hospital care for infants born with alcohol or drug addiction. Up to \$500,000 of the general fund—state appropriation shall be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services, and counseling services. The department shall prospectively reimburse foster care providers of infants and children affected by maternal use of or exposure to alcohol, drugs, or AIDS. Where possible, the department shall claim federal match for this less expensive alternative to hospital care. When it is deemed medically necessary for an infant to remain in the hospital setting, the infant shall not be transferred to a nonhospital setting. Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings. The department shall report to the appropriate fiscal and program committees of the house of representatives and the senate on the implementation of this section no later than November 15, 1990.

Sec. 215. Section 214, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | 60,308,000 |
| General Fund Appropriation—Federal | \$ | 14,468,000 |
| General Fund Appropriation—Local | \$ | ((10,951,000)) |
| | | <u>10,707,000</u> |
| Public Safety and Education Account Appropriation | \$ | 200,000 |
| State Toxics Control Account Appropriation | \$ | 828,000 |
| Total Appropriation | \$ | ((66,755,000)) |
| | | <u>86,511,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,600,000 of the general fund—state appropriation is provided solely for continuation of the state drinking water program.

(2) \$4,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards

for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to increase in equal percentages medical and dental services provided through community health clinics. A maximum of \$100,000 of the amount provided in this subsection may be used to contract with new providers. \$900,000 of this amount shall be allocated to contractors who were contractors in fiscal year 1989, prorated according to the percentage of total fiscal year 1989 contract funds received by each contractor.

((5)) (4) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

((6)) (5) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

Sec. 216. Section 216, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((55,295,000)) 55,604,000 |
| General Fund Appropriation—Federal | \$ | ((36,264,000)) 36,794,000 |
| Institutional Impact Account Appropriation | \$ | ((86,000)) 230,000 |
| Total Appropriation | \$ | ((91,639,000)) 92,628,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$666,000 of the general fund—state appropriation is provided solely to enhance the department's accounting system.

(2) \$230,000 of the general fund—state appropriation is provided solely for transfer to the institutional impact account.

(3) \$83,000 of the general fund—state appropriation is provided solely for notification of victims and witnesses pursuant to Engrossed Second Substitute Senate Bill No. 6259.

Sec. 217. Section 217, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

| | | |
|------------------------------------|----|---|
| General Fund Appropriation—State | \$ | ((165,471,000)) 169,531,000 |
| General Fund Appropriation—Federal | \$ | ((188,304,000)) 203,303,000 |
| Total Appropriation | \$ | ((353,775,000)) 372,834,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$600,000 of the general fund—state appropriation and \$1,149,000 of the general fund—federal appropriation are provided solely for transfer by July 1, 1989, by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$137,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund—state appropriation and \$518,000 of the general fund—federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating

the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

(8) \$750,000 of the general fund—state appropriation is provided solely for a nursing career ladder program at community colleges and vocational-technical institutes for family independence program clients. These moneys shall be used solely for faculty salaries and benefits and indirect support costs related to the nursing career ladder program. The program shall help prepare clients to become certified nursing assistants, licensed practical nurses, and associate degree nurses. The goal of the program shall be to provide education opportunities to one hundred fifty family independence program clients.

(9) \$45,000 of the general fund—state appropriation and \$135,000 of the general fund—federal appropriation are provided solely for transfer to the legislative budget committee for the urban institute family independence study.

(10) \$2,052,000 of the general fund—state appropriation and \$4,104,000 of the general fund—federal appropriation are provided solely for the purchase of performance-based employment services for family independence program enrollees as authorized by Second Substitute House Bill No. 2393.

Sec. 218. Section 218, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

| | | |
|--|----|-------------------------|
| General Fund Appropriation—State | \$ | (39,600,000) |
| | | <u>39,576,000</u> |
| General Fund Appropriation—Federal | \$ | (70,720,000) |
| | | <u>70,752,000</u> |
| General Fund Appropriation—Local | \$ | 949,000 |
| Total Appropriation | \$ | 111,277,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute House Bill No. 1547 (medical support enforcement). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(2) \$3,419,000 of the general fund—state appropriation and \$6,786,000 of the general fund—federal appropriation are provided solely to implement the requirements of the family support act.

(3) \$1,800,000 of the general fund—state appropriation, \$4,940,000 of the general fund—federal appropriation, and \$706,000 of the general fund—local appropriation are provided solely to implement recommendations made to the office of support enforcement by the efficiency commission. Authority to expend \$1,115,000 of the general fund—state appropriation, \$3,059,000 of the general fund—federal appropriation, and \$438,000 of the general fund—local appropriation for information projects named in this subsection is conditioned on compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following name or successor names: Office of support enforcement case tracking and collection.

(4) \$1,429,000 of the general fund—state appropriation, \$828,000 of the general fund—federal appropriation, and \$43,000 of the general fund—local appropriation are provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Office of financial recovery accounts receivable management system.

(5) \$207,000 of the general fund—state appropriation and \$403,000 of the general fund—federal appropriation are provided solely for the implementation of the employer reporting amendments to RCW 26.23.040 contained in House Bill No. 1635 (support enforcement). If these amendments are not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

Sec. 219. Section 219, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

| | | |
|--|----|-------------------------|
| General Fund Appropriation—State | \$ | (38,187,000) |
| | | <u>38,418,000</u> |

| | | |
|--|----|---------------------------|
| General Fund Appropriation—Federal | \$ | ((17,041,000)) |
| | | <u>17,110,000</u> |
| Total Appropriation | \$ | ((55,220,000)) |
| | | <u>55,528,000</u> |

NEW SECTION. Sec. 220. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF HEALTH

| | | |
|---|----|------------|
| General Fund Appropriation—State | \$ | 8,458,000 |
| Health Professions Account | \$ | 941,000 |
| State Toxics Account | \$ | 935,000 |
| Medical Test Site Licensure Account | \$ | 244,000 |
| Total Appropriation | \$ | 10,578,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund—state appropriation is provided solely to fund the cancer reporting network pursuant to Second Substitute House Bill No. 2077. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(2) \$48,000 of the general fund—state appropriation is provided solely for food transport regulations pursuant to Second Substitute House Bill No. 2270. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(3) \$938,000 of the general fund—state appropriation is provided solely to compensate for underfunding of administration support costs due to the establishment of the department as a separate agency.

(4) \$703,000 of the general fund—state appropriation is provided solely to compensate for underfunding of information services costs due to establishment of the department as a separate agency. It is not the intent of the legislature that transition funding be provided for local area network equipment.

(5) \$205,000 of the general fund—state appropriation is provided solely for a chief of health statistics, chief of consumer assistance, and a chief of epidemiology.

(6) \$139,000 of the general fund—state appropriation is provided solely for the board of health.

(7) \$1,218,000 of the general fund—state appropriation is provided solely for additional funding for monitoring of and AZT treatment for low-income individuals who are HIV-positive but who do not have Class IV disease or AIDS.

(8) \$2,464,000 of the general fund—state appropriation is provided solely for childhood vaccine expansion effective July 1, 1990.

(9) \$546,000 of the general fund—state appropriation is provided solely for Erythropoietin drug treatment for low-income kidney dialysis patients.

(10) \$200,000 of the general fund—state appropriation is provided solely for rural health care access.

(11) \$1,300,000 of the general fund—state appropriation is provided solely for the regional AIDSNET program as follows:

(a) \$650,000 of this amount is provided solely for AIDS education and prevention services and shall be distributed to the regional AIDSNETs based on the allocation formula set forth in RCW 70.24.400(6)(a); and

(b) \$650,000 of this amount is provided solely for case management and continuum of care services and shall be distributed to the regional AIDSNETs based on the number of class IV AIDS cases (as defined by the federal centers for disease control) reported to the department of health for calendar year 1989.

Sec. 221. Section 220, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

| | | |
|--|----|--------------------------|
| State Employees Insurance Administrative Account Appropriation | \$ | ((6,203,000)) |
| | | <u>7,117,000</u> |

The appropriation in this section is subject to the following conditions and limitations: \$49,000 of the appropriation is provided solely to reimburse the department of personnel for costs incurred by the department of personnel related to production of a combined benefits handbook and a combined benefits newsletter.

Sec. 222. Section 221, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

| | | |
|---|----|----------------------------|
| General Fund Appropriation—State | \$ | ((56,487,000)) |
| | | <u>102,718,000</u> |
| General Fund Appropriation—Federal | \$ | ((124,725,000)) |
| | | <u>125,612,000</u> |
| General Fund Appropriation—Private/Local | \$ | 269,000 |
| Building Code Council Account Appropriation | \$ | 809,000 |
| Public Works Assistance Account Appropriation | \$ | 933,000 |
| Fire Service Training Account Appropriation | \$ | 750,000 |

| | | |
|---|----|---|
| State Toxics Control Account Appropriation | \$ | 519,000 |
| Low Income Weatherization Account Appropriation | \$ | ((8,667,666)) 13,000,000 |
| Washington Housing Trust Fund Appropriation | \$ | 3,500,000 |
| Total Appropriation | \$ | ((197,999,666)) 248,110,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) ~~S((3,566,666))~~ 8,500,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) ~~((A maximum of))~~ Of this amount an initial allocation not greater than \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games. The department may provide additional funding for security plan development as provided in (d) of this subsection.

~~((b))~~ The security plan shall contain an assessment of the security requirements for the goodwill games: a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The initial plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990. Refinements to the security plan for the goodwill games shall continue through July 15, 1990.

~~((c))~~ (b) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full for the entire budget requirement from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) No more than ~~S((266,666))~~ 150,000 of the amount provided in this subsection may be expended for administration of the plan.

(iii) ~~((The remainder of the amount provided in this subsection shall be allocated to local governments:~~

~~((iv))~~ Only direct ((personnel)) costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement from the amount provided in this subsection.

~~((v))~~ (iv) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The \$2,000,000 from the Seattle goodwill games organizing committee may be used to defray both the direct and indirect additional costs of security experienced by local governments and state entities, including the University of Washington, as a result of the goodwill games. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(c) \$5,450,000 shall be provided to local governments and the Washington state patrol on the basis of the final security plan.

(d) Up to \$1,400,000 of the remaining amount shall be allocated as follows: (i) The department shall assess security requirements identified by local governments through the Seattle Organizing Committee that were not considered for funding in the original security plan. The department shall evaluate and may grant new requests for additional funding from the amount provided in this subsection (3)(d), but local revenues lost as a result of the Goodwill Games shall not be eligible for reimbursement; and (ii) the department shall present a final report to the house of representatives appropriations committee and the senate ways and means committee by June 1, 1990, detailing the amounts each jurisdiction will receive for security costs. The report shall identify all reimbursement provided as a result of the amount provided in this subsection (3)(d).

(4) \$3,000,000 of the general fund—state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) ~~\$(13,900,000)~~ 16,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

~~((1+9))~~ (9) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

~~((1+1))~~ (10) \$200,000 of the general fund—state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

~~((1+3))~~ (11) \$75,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

~~((1+4))~~ (12) \$200,000 of the general fund—state appropriation is provided solely for a pilot rural revitalization program.

~~((1+5))~~ (13) \$150,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project.

~~((1+6) \$200,000)~~ (14) \$500,000 of the general fund—state appropriation is provided solely to enhance the long-term care ombudsman program. Of this amount: (a) \$75,000 is provided solely to ensure adequate legal assistance to both residents of long-term care facilities and staff of the program; (b) \$200,000 is provided solely to establish at least four additional service sites; (c) \$19,000 is provided solely for recruitment and training of volunteers; and (d) \$6,000 is provided solely for an annual state-wide training conference.

(15) \$11,800,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$10,000,000 is provided solely for grants to counties and cities; (b) \$1,000,000 is provided solely for the department to provide technical assistance and mediation assistance to local governments for the development and implementation of comprehensive plans; (c) \$550,000 is provided for grants to rural communities; and (d) \$250,000 is provided solely for the inventory and collection of data on public and private land use. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(16) \$100,000 is provided solely for the department to provide grants to local communities for the development of annual amateur athletic events. Expenditure of this amount is contingent on a requirement in each grant agreement for the use of these moneys that for each dollar spent from these moneys at least one dollar from nonstate sources be expended for the same purpose. In-kind contributions shall not be considered as an eligible match. The grants shall be provided for direct expenses related to the events, and shall not be used for administrative purposes.

(17) \$15,000,000 of the general fund—state appropriation is provided solely for the housing trust fund program. The appropriation in this subsection is provided solely for grants and loans authorized under chapter 43.185 RCW, and shall not be used for the department's administrative costs. Of this amount \$2,500,000 is provided solely for housing assistance for children of which: (a) At least one-half is solely for the aid to families with dependent children client rent subsidy project; and (b) \$500,000 is solely to implement the homelessness prevention pilot program under Second Substitute House Bill No. 2405. If the bill is not enacted by June 30, 1990, \$500,000 of the amount provided in this subsection shall lapse.

(18) \$250,000, of which \$170,000 is general fund—state appropriation and \$80,000 is general fund—federal appropriation, is provided solely for development of a seismic safety program. The department shall create a seismic safety advisory board to make recommendations to the legislature for improving the state's earthquake preparedness. The advisory board shall evaluate and consider the earthquake resistance of public buildings and public schools and develop earthquake awareness and education programs. The advisory board shall develop an emergency response plan for provision of essential public services in the event of a

major earthquake. The department shall report to the senate and house of representatives committees on energy and utilities by December 1, 1991. An interim report shall be made to the committees by December 1, 1990.

(19) \$200,000 of the general fund—state appropriation is provided solely to implement the economic diversification program under Engrossed Substitute House Bill No. 2706. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(20) \$90,000 of the general fund—state appropriation is provided solely for planning new permanent displays of natural and cultural history and shall be transferred to the Thomas Burke Memorial Washington State Museum.

(21) \$70,000 of the general fund—state appropriation is provided solely for implementing the volunteer service program as provided for in Substitute House Bill No. 2370. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$2,813,000 of the general fund—state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to Engrossed Second Substitute Senate Bill No. 6259. No more than \$53,000 of the amount provided in this subsection may be spent for administration of the grant program.

(23) \$90,000 of the general fund—state appropriation is provided solely to implement the children's ombudsman program.

NEW SECTION. Sec. 223. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

The following sums, or as much thereof as may be necessary, are appropriated from the general fund—federal appropriation for the biennium ending June 30, 1991, to the department of community development for the drug control and system improvement formula grant program, to be distributed as follows:

(1) \$3,202,000 to local units of government.

(2) \$150,000 to the Washington state patrol for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine lab with the department of ecology to ensure maximum effectiveness of the program.

(3) \$500,000 to the department of corrections to provide prison industry projects at new prison camps, designed to place inmates in a realistic working and training environment.

(4) \$250,000 to the department of community development to provide resources for the design, coordination, and implementation of programs which will reduce drug and gang activities in high density population areas. These programs shall be provided through local contractors including low-income housing organizations and housing authorities.

(5) \$550,000 to the department of social and health services, division of juvenile rehabilitation, to issue a state-wide request for proposals that offer local governments, communities, schools, and the private sector matching grants to help prevent young people from joining gangs. Any agreement for the use of a portion of these moneys shall require that an amount at least equal to forty percent of that portion, including in-kind contributions, be contributed from nonstate sources for the same purpose. No single agency may receive in one biennium more than one grant, and no grant may exceed \$100,000 in value, including the value of nonstate matching amounts.

(6) \$500,000 to the Washington state patrol for support of two new drug law enforcement task forces.

(7) The department of community development, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989 as state policy for purposes of establishing spending priorities for federal antidrug funds.

Sec. 224. Section 224, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

| | | |
|---|----|--------------------------|
| Death Investigations Account Appropriation | \$ | 35,000 |
| Public Safety and Education Account Appropriation | \$ | ((8,643,000)) |
| | | 9,680,700 |
| Total Appropriation | \$ | ((8,678,000)) |
| | | 9,715,700 |

The appropriations in this section are subject to the following conditions and limitations: \$22,000 from the public safety and education account appropriation shall be provided solely for computer programming costs for the Washington association of sheriffs and police chiefs to implement Engrossed House Bill No. 2237 (racial bias and bigotry). If the bill is not enacted by June 30, 1990, the amount provided in this section shall lapse.

Sec. 225. Section 225, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

| | | |
|---|----|---------------------------|
| General Fund Appropriation | \$ | 9,277,000 |
| Public Safety and Education Account Appropriation—State | \$ | ((18,334,000)) |
| | | 19,764,000 |

| | | |
|---|----|---|
| Public Safety and Education Account Appropriation—Federal | \$ | 2,000,000 |
| Accident Fund Appropriation | \$ | ((100,104,000)) 101,549,000 |
| Electrical License Fund Appropriation | \$ | ((11,082,000)) 12,408,000 |
| Farm Labor Revolving Account Appropriation | \$ | 30,000 |
| Medical Aid Fund Appropriation | \$ | ((119,330,000)) 120,289,000 |
| Asbestos Account Appropriation | \$ | 1,314,000 |
| Plumbing Certificate Fund Appropriation | \$ | 696,000 |
| Pressure Systems Safety Fund Appropriation | \$ | 1,476,000 |
| Worker and Community Right-to-Know Fund Appropriation | \$ | 2,406,000 |
| Total Appropriation | \$ | ((266,849,000)) 271,209,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,596,793 from the accident fund appropriation and \$12,953,328 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

~~((3))~~ (2) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter 380, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

~~(3)~~ \$206,000 from the accident fund appropriation and \$206,000 from the medical aid fund appropriation are provided solely to reimburse the legal services revolving fund for increased salary costs of existing attorney general staff.

~~(4)~~ \$650,000 from the accident fund appropriation and \$650,000 from the medical aid fund appropriation are provided solely for a health evaluation program within the department to monitor new trends in worker illnesses and injuries.

~~(5)~~ \$132,000 from the accident fund appropriation and \$23,000 from the medical aid fund appropriation are provided solely for the Worksafe 90 program designed to reduce workplace accidents and illnesses.

~~(6)~~ \$1,430,000 of the public safety and education account—state appropriation is provided solely for the crime victims' compensation fund, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

Sec. 226. Section 227, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

| | | |
|------------------------------------|----|---|
| General Fund Appropriation—State | \$ | 20,229,000 |
| General Fund Appropriation—Federal | \$ | ((5,726,000)) 5,987,000 |
| General Fund Appropriation—Local | \$ | 7,802,000 |
| Total Appropriation | \$ | ((33,757,000)) 34,018,000 |

Sec. 227. Section 228, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

| | | |
|----------------------------|----|---|
| General Fund Appropriation | \$ | ((74,807,000)) 75,421,800 |
|----------------------------|----|---|

The appropriation in this subsection is subject to the following conditions and limitations:

~~(a)~~ To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

~~(b)~~ \$327,000 of the general fund—state appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(2) INSTITUTIONAL SERVICES

| | | |
|----------------------------|----|---|
| General Fund Appropriation | \$ | ((300,806,000)) 313,412,700 |
|----------------------------|----|---|

The appropriation in this subsection is subject to the following conditions and limitations:

~~(a)~~ \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(b) \$172,000 of the general fund—state appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(c) \$678,000 of the general fund—state appropriation is provided solely for custody and security of civilly committed sexual predators pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(d) \$1,107,000 of the general fund—state appropriation is provided solely to increase the number of sex offenders receiving treatment in the state correctional system, pursuant to Engrossed Second Substitute Senate Bill No. 6259. Specifically, during the 1989-91 biennium, residential treatment and day treatment shall be expanded to two hundred and one hundred seventy beds, respectively.

(3) ADMINISTRATION AND PROGRAM SUPPORT

| | | |
|--|----|---------------------------|
| General Fund Appropriation | \$ | ((22,531,000)) |
| | | 24,081,000 |
| Institutional Impact Account Appropriation | \$ | 332,000 |
| Total Appropriation | \$ | ((22,863,000)) |
| | | 24,413,000 |

This appropriation is subject to the following conditions and limitations:

(a) \$300,000 of the general fund appropriation is provided solely for mitigating the impact of inmate-family households on local criminal justice and social service resources for the cities of Walla Walla and College Place and the county of Walla Walla.

(b) \$49,000 of the general fund—state appropriation is provided solely to develop computer link-ups with the Washington state patrol to permit access to information on offenders, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(4) INSTITUTIONAL INDUSTRIES

| | | |
|----------------------------------|----|-----------|
| General Fund Appropriation | \$ | 2,622,000 |
|----------------------------------|----|-----------|

(5) The appropriations in this section are subject to the following conditions and limitations: The department shall present a study on incarceration issues to the fiscal committees of the legislature no later than November 1, 1990, which:

(a) Identifies inmates who do not have a history of violence or aggressive acts who could be considered for release or for housing in community-based facilities without substantial risk to public safety; and

(b) Examines alternatives to incarceration in terms of public safety, cost, implementation, and impact on the need for prison construction.

Sec. 228. Section 402, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of twenty-one million three hundred five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, ~~((eight million eight hundred))~~ one million six hundred ninety-four thousand dollars is for operational costs associated with the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act. The remaining ~~((twelve million five hundred five))~~ nineteen million six hundred eleven thousand dollars is for the purpose of renovating or constructing additional facilities needed as a result of the new crimes and penalties.

Sec. 229. Section 231, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

| | | |
|----------------------------------|----|---------------------------|
| General Fund Appropriation | \$ | ((27,215,000)) |
| | | 21,191,000 |

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to 25,000 individuals during the 1989-91 biennium.

Sec. 230. Section 233, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

| | | |
|--|----|----------------------------|
| General Fund Appropriation—State | \$ | ((129,000)) |
| | | 599,000 |
| General Fund Appropriation—Federal | \$ | ((162,308,000)) |
| | | 159,308,000 |
| General Fund Appropriation—Local | \$ | 12,489,000 |
| Administrative Contingency Fund | | |
| Appropriation—Federal | \$ | ((8,953,000)) |
| | | 11,737,000 |

| | | |
|---|----|-------------|
| Unemployment Compensation Administration Fund Appropriation—Federal | \$ | 118,169,000 |
|---|----|-------------|

| | | |
|---|----|-----------|
| Employment Service Administration Account Appropriation—Federal | \$ | 790,000 |
| Employment Service Administration Account Appropriation—State | \$ | 6,823,000 |
| Federal Interest Payment Fund Appropriation | \$ | 2,100,000 |

Total Appropriation \$ ~~((311,761,000))~~
 312,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$152,000 of the administrative contingency fund—federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

(3) \$370,000 of the general fund—state appropriation is provided solely for a pilot program integrating drug prevention and job training. If Engrossed Second Substitute House Bill No. 2348 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$160,000 of the general fund—state appropriation is provided solely for a pilot program to retrain rural dislocated timber and wood product workers. If Engrossed Second Substitute House Bill No. 2348 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 231, Section 236, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is repealed.

Sec. 232, Section 407, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of four million ~~((nine hundred))~~ five hundred sixty-nine thousand dollars ~~from the drug enforcement and education account—state~~ and three hundred thirty-one thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for the purposes of sections 301 through 309 of this act.

Sec. 233, Section 409, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((five))~~ two million ~~((five))~~ seven hundred forty-eight thousand dollars from the drug enforcement and education account—state and two million seven hundred fifty-two thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for maternity care support services for alcohol and drug-abusing pregnant women. Support services shall include substance abuse treatment programs specifically designed to serve pregnant women and postpartum women and their infants and children. A continuum of treatment shall be provided, to include one or more of the following components:

- (1) Inpatient treatment programs capable of serving pregnant women and postpartum women and infants;
- (2) An ambulatory treatment facility serving women and their infants who test positive for the human immunodeficiency virus (HIV) or the acquired immunodeficiency syndrome (AIDS);
- (3) Transition housing or safe living space for pregnant and postpartum women and infants;
- (4) Outpatient or follow-up treatment which includes a provision for child care.

The department shall maximize federal participation for support services provided under this section to eligible persons under the medical assistance program, Title XIX of the federal social security act.

Sec. 234, Section 414, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((twelve))~~ eleven million two hundred thousand dollars ~~from the drug enforcement and education account—state~~ and one million dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

Sec. 235, Section 419, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((four))~~ one hundred eighty-three thousand dollars ~~from the drug enforcement and education account—state~~ and two hundred seventeen thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~are~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the

department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

PART III

NATURAL RESOURCES

Sec. 301. Section 301, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | 2,086,000 |
| General Fund Appropriation—Federal | \$ | ((+0,832,000)) |
| | | <u>12,366,000</u> |
| General Fund Appropriation—Private/Local | \$ | 260,000 |
| Geothermal Account Appropriation—Federal | \$ | 22,000 |
| Building Code Council Account Appropriation | \$ | ((40,000)) |
| | | <u>105,000</u> |
| Solid Waste Management Account Appropriation | \$ | 150,000 |
| Energy Code Training Account Appropriation | \$ | 30,000 |
| Total Appropriation | \$ | ((+3,390,000)) |
| | | <u>15,019,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation is null and void.

(2) \$153,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

Sec. 302. Section 304, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((59,767,000)) |
| | | <u>62,767,000</u> |
| General Fund Appropriation—Federal | \$ | 27,024,000 |
| General Fund Appropriation—Private/Local | \$ | 432,000 |
| Flood Control Assistance Account Appropriation | \$ | 3,852,000 |
| Special Grass Seed Burning Research Account Appropriation | \$ | ((41,000)) |
| | | <u>81,000</u> |
| Reclamation Revolving Account Appropriation | \$ | 474,000 |
| Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. | \$ | 389,000 |
| Litter Control Account Appropriation | \$ | ((6,755,000)) |
| | | <u>6,830,000</u> |
| State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26) | \$ | 2,627,000 |
| State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) | \$ | ((+1,187,000)) |
| | | <u>1,286,000</u> |
| State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38) | \$ | 1,586,000 |
| Stream Gaging Basic Data Fund Appropriation | \$ | ((+42,000)) |
| | | <u>300,000</u> |
| Vehicle Tire Recycling Account Appropriation | \$ | 6,494,000 |
| Water Quality Account Appropriation | \$ | ((2,551,000)) |
| | | <u>2,961,000</u> |
| Wood Stove Education Account Appropriation | \$ | ((232,000)) |
| | | <u>482,000</u> |
| Worker and Community Right-to-Know Fund Appropriation | \$ | 285,000 |
| State Toxics Control Account | \$ | ((26,173,000)) |
| | | <u>40,243,000</u> |
| Local Toxics Control Account | \$ | ((23,847,000)) |
| | | <u>41,328,000</u> |
| Water Quality Permit Account Appropriation | \$ | 7,135,000 |
| Solid Waste Management Account Appropriation | \$ | 5,600,000 |

| | | |
|--|----|---|
| Underground Storage Tank Account Appropriation | \$ | 3,658,000 |
| Hazardous Waste Assistance Account Appropriation | \$ | 2,317,000 |
| Total Appropriation | \$ | ((106,251,000)) 218,151,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) ~~((A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse))~~ In administering the auto emissions inspection and maintenance program, the department may expend not more than an amount equal to the amount collected from auto emissions inspections fees during the biennium ending June 30, 1991.

(5) ~~((The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute House Bill No. 1086))~~ In implementing chapter 90.76 RCW, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements. In consultation with the Washington pollution insurance program administrator, the department shall implement interim enforcement procedures for chapter 90.76 RCW by December 1, 1990. The interim enforcement procedures shall be consistent with the intent of both chapters 90.76 and 70.148 RCW, and shall be designed to encourage participation in the insurance program.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), and ~~(9)((and (10)))~~ are null and void.

~~((7))~~ (7) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

~~((8))~~ (8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

~~((9))~~ (9) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter 431, Laws of 1989 (Engrossed Substitute House Bill No. 1671).

~~((10))~~ (10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

~~((11))~~ (11) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

~~((12))~~ (12) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

~~((13))~~ (13) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter 171, Laws of 1989 (Substitute Senate Bill No. 5196).

~~((14))~~ (14) \$427,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

~~((15))~~ (15) \$250,000 of the general fund—state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

~~((16))~~ (16) \$70,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

~~((17))~~ (17) \$200,000 of the general fund—state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

(18) A maximum of \$750,000 of the state toxics control account appropriation may be expended for the cleanup of illegal drug laboratories.

(19) \$9,000,000 of the state toxics control account appropriation is provided solely for the following three purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the costs of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

Of this amount, \$1,500,000 is provided solely for the cleanup of hazardous waste sites resulting from leaking underground storage tanks.

(20) The entire hazardous waste assistance account appropriation is contingent on the enactment of Engrossed Substitute House Bill No. 2390. If the bill is not enacted by June 30, 1990, the hazardous waste assistance account appropriation is null and void.

(21) A portion of the state toxics control account appropriation is provided to complete the state hazardous waste planning effort as prescribed in chapter 70.105 RCW. This includes, but is not limited to, evaluation of existing standards, compliance and service, and evaluation of whether facilities are needed.

(22) \$300,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2932 (water resource management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) \$1,500,000 of the general fund—state appropriation is provided solely to implement the provisions of Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(24) \$268,000 of the state toxics control account appropriation is provided solely to identify and study water quality and public health concerns of the lower Columbia river, from its mouth to Bonneville Dam. Expenditure of this amount is contingent on the signing of an agreement by the Washington department of ecology and the Oregon department of environmental quality. The agreement shall include, at a minimum, the following:

(a) A steering committee consisting of one representative from each state of at least the following: Local government, public ports, industry, environmental groups, Indian tribes, citizen-at-large, and commercial or recreational fishing interests. The steering committee shall also include one representative from the United States environmental protection agency;

(b) A process to incorporate public participation;

(c) A provision to report to the appropriate legislative standing committees on the status of the study on or before December 15 of each year; and

(d) A provision to make recommendations, by December 15, 1990, regarding the creation of an interstate policy body to develop and implement a plan to address water quality, public health and habitat concerns of the lower Columbia river.

(25) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing Substitute Senate Bill No. 6698 (wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases where an activated air authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480. If Substitute Senate Bill No. 6698 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 303. Section 306, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

| | | |
|---|----|---|
| General Fund Appropriation—State | \$ | ((41,132,000)) 41,333,000 |
| General Fund Appropriation—Federal | \$ | 1,208,000 |
| General Fund Appropriation—Private/Local | \$ | 822,000 |
| Trust Land Purchase Account Appropriation | \$ | ((10,542,000)) 11,076,000 |
| Winter Recreation Parking Account Appropriation | \$ | 348,000 |
| ORV (Off-Road Vehicle) Account Appropriation | \$ | 173,000 |

| | | |
|---|----|-------------------------|
| Snowmobile Account Appropriation | \$ | (963,000) |
| | | 1,143,000 |
| Public Safety and Education Account Appropriation | \$ | 10,000 |
| Motor Vehicle Fund Appropriation | \$ | 1,100,000 |
| Total Appropriation | \$ | (56,298,000) |
| | | 57,213,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating). ~~((if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$201,000 of the general fund—state appropriation is provided solely to meet the responsibilities of the state parks and recreation commission under the Suquamish Indian tribe and Point-No-Point treaty council shellfish management agreements.

(4) The commission shall prepare an updated plan for Fort Worden management and development. In updating the plan the commission shall: (a) Reevaluate the goals and objectives of the park, (b) examine current functions of the park including camping, day use, recreation activities, vacation housing, the conference center, and cultural arts programs, (c) determine how to provide reasonable opportunities for use of existing park facilities for all members of the public, and (d) propose alternatives to the current management approach. The commission shall submit the results to the house of representatives appropriations committee and the senate ways and means committee by October 1, 1990.

Sec. 304. Section 308, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

| | | |
|----------------------------------|----|----------------------|
| General Fund Appropriation | \$ | (901,000) |
| | | 939,000 |

Sec. 305. Section 309, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

| | | |
|--|----|-------------------------|
| General Fund Appropriation | \$ | (30,668,000) |
| | | 31,143,000 |
| Motor Vehicle Fund Appropriation | \$ | 553,000 |
| Solid Waste Management Account Appropriation | \$ | 312,000 |
| Total Appropriation | \$ | (30,933,000) |
| | | 32,008,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$450,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. ~~((if neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~ In addition:

(a) The department shall spend the amount provided in this subsection solely for development of programs to be administered by the Washington economic development finance authority (the "authority") and shall not spend any amount for implementation or administration of the programs.

(b) On or before January 8, 1990, the department shall submit to the house of representatives appropriations committee and the senate ways and means committee a plan outlining how state employees and state resources are expected to be used with respect to the authority and describing procedures under which the lending of credit provisions of the state Constitution will be observed.

(c) The amount provided in this subsection is intended to be a one-time appropriation from state-revenue sources to support the initial development of programs of the Washington economic development finance authority.

(d) No state funds from state revenue sources and no state funds from federal revenue sources, except federal revenue sources provided expressly for the authority or its programs may be used for a reserve fund for the authority's programs, and no public funds subject to either appropriation or allotment control may be used for a reserve account without prior consultation with the house of representatives appropriations committee and the senate ways and means committee.

(2) \$350,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. ~~((if the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.))~~

(3) \$550,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

(a) The program shall provide technical assistance to firms and workforces in which there is a risk of plant closure, mass layoff, or business failure. This technical assistance shall include turn-around assistance to firms at risk of closure to identify management activities and other

actions, including diversification, that would permit continued operation. The department may contract for specialized services to provide turn-around assistance.

(b) The department shall establish a business and job retention advisory committee. The governor shall appoint eight members of whom four shall be from business and four from labor. The directors, or their designees, of the departments of trade and economic development, community development, financial management, revenue, and employment security shall serve as ex officio members of the committee. The president of the senate and the speaker of the house of representatives shall each appoint one member from each of the major caucuses to serve as ex officio members of the committee.

(c) The department shall select, in consultation with the advisory committee, locally based development organizations to undertake local business and job retention activities. Such local activities shall include the identification of firms in which there is a risk of plant closure, mass layoff, or business failure; initial assessment of firms and their workforces; the provision of technical assistance; and referrals for additional resources. A maximum of \$275,000 of the appropriation may be expended for contracts with locally based development organizations for local business and job retention activities.

(d) The department, in consultation with the advisory committee, shall provide grants to study the feasibility of various options for continuing or renewing the operation of industrial facilities that are threatened with closure or that have already closed. Grants shall also be made for proposals to implement a system to identify firms at risk of closure, layoff, or relocation. Grants may not exceed \$35,000 and may be made to: Local governments, ports, local associate development organizations, local labor organizations, or local nonprofit community organizations. The department may require that grant money be matched at least dollar for dollar with nonstate money.

(e) The department shall establish an early warning program within the business and job retention program. The program shall obtain information currently available within state agencies to identify firms and industrial facilities at risk of closure, consistent with the confidentiality requirements of chapter 50.13 RCW.

(4) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. ~~((if the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.))~~

(5) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(6) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$175,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$25,000 is provided solely for the development of a tourism advisory committee; and (d) \$100,000 is provided solely for additional staff and costs associated with the film and video division within the department.

(7) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

(a) \$331,000 is provided solely for the department of agriculture, by interagency agreement, for continuation of its contractual relationship with TRIDEC and for development of local diversification agricultural projects;

(b) \$206,000 is provided solely for the department of community development, by interagency agreement, for social service impact mitigation, and for loan packaging assistance;

(c) \$260,000 is provided solely for transfer to the employment security department, by interagency agreement, for a state-funded employment and training project;

(d) \$250,000 is provided solely for transfer to the employment security department, by interagency agreement, for public works related employment;

(e) \$383,000 is provided solely for contracts with local organizations for specific diversification projects;

(f) \$184,000 is provided solely for necessary staff to implement and coordinate the Tri-Cities diversification program.

(8) \$367,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purpose of identifying new markets, developing new technologies and products, and assisting production and marketing efforts. This program shall provide specialized expertise on issues affecting forest products companies, including the provision of assistance to firms experiencing supply problems, and shall provide industry perspective on proposed state and federal policies and programs impacting the forest industry. The department may contract for services provided under this chapter.

(9) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(10) \$305,000 of the general fund appropriation is provided solely for the center for international trade in forest products (CINTRAFOR).

(11) The general fund appropriation in this section includes moneys for higher education salary increases for the Washington high technology center and CINTRAFOR in the manner provided in section 601 of this act.

(12) It is the intent of the legislature that the department shall continue to provide grants of at least current level amounts to associate development organizations located in counties of at least classes three through eight.

(13) \$400,000 may be allocated to the Washington research foundation. The state auditor shall conduct an audit of the foundation by December 1, 1989.

(14) \$400,000 is provided solely for development of a program designed to promote market opportunities, particularly value-added timber processing, for wood products firms in timber-dependent communities. The department shall submit a progress report to the house of representatives appropriations committee and the senate ways and means committee no later than December 1, 1990.

(15) \$75,000 is provided solely for a contract with the Tacoma World Trade Center for the development and operation of a program to enhance export opportunities for Washington business.

(16) \$450,000 from the general fund—state appropriation is provided solely to implement the provisions of Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$150,000 is provided solely to enhance the existing marketplace program by focusing on rural economies; (b) \$150,000 is provided solely to establish a local economic development service program to coordinate the delivery of economic development services to local communities; (c) \$50,000 is provided solely to fund the operations of a service delivery task force; and (d) \$100,000 is provided solely for the business assistance center to administer a grant program focused on value-added manufacturing. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(17) \$150,000 of the general fund—state appropriation is provided solely for the department to provide technical assistance and staff support for the Lady Washington Pacific Expedition to the Far East.

Sec. 306. Section 313, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

| | | |
|---|----|---|
| General Fund Appropriation—State | \$ | ((54,022,000)) 54,850,000 |
| General Fund Appropriation—Federal | \$ | ((16,496,000)) 16,700,000 |
| General Fund Appropriation—Private/Local | \$ | ((5,284,000)) 7,727,000 |
| Aquatic Lands Enhancement Account Appropriation | \$ | 1,076,000 |
| Total Appropriation | \$ | ((76,878,000)) 80,354,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vessel registration.

(2) \$100,000 of the general fund—state appropriation is provided solely for monitoring of Navy homeport dredging and dumping.

(3) \$250,000 of the general fund—state appropriation is provided solely for a grant for shellfish studies to the sea grant program at the University of Washington.

~~((4))~~ (4) \$1,810,000 of the general fund—state appropriation is provided solely for recreational salmon enhancement projects.

~~((5))~~ (5) \$41,000 of the general fund—state appropriation is provided to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(6) \$480,000 of the general fund—state appropriation is provided solely to cover attorney general costs for the department of fisheries, department of natural resources, department of health, and the parks and recreation commission, in defending the state in tribal shellfish litigation.

(7) \$90,000 of the general fund—state appropriation is provided solely to meet the department's responsibilities under the Suquamish Indian tribe, Point-No-Point treaty council, and Indian Island Navy shellfish management agreements.

(8) \$211,000 of the general fund—state appropriation is provided solely to fund an investigation of the nuclear inclusion X ("NIX") virus as it relates to the state's razor clam population.

Sec. 307. Section 314, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

| | | |
|---|----|---------------------------------------|
| General Fund Appropriation | \$ | ((9,385,000)) 9,390,000 |
| ORV (Off-Road Vehicle) Account Appropriation | \$ | 265,000 |
| Aquatic Lands Enhancement Account Appropriation | \$ | 1,081,000 |

| | | |
|---|----|---|
| Public Safety and Education Account Appropriation | \$ | 566,000 |
| Wildlife Fund Appropriation—State | \$ | ((41,441,000)) 42,084,000 |
| Wildlife Fund Appropriation—Federal | \$ | ((15,717,000)) 15,608,000 |
| Wildlife Fund Appropriation—Private/Local | \$ | 2,135,000 |
| Game Special Wildlife Account Appropriation | \$ | ((466,000)) 503,000 |
| Total Appropriation | \$ | ((71,056,000)) 71,632,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(2) \$68,000 of the general fund appropriation is provided solely ~~((for contracting))~~ for fire protection on agency lands.

(3) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

(4) \$186,000 of the wildlife fund—state appropriation is provided solely for an elk control plan in the Blue Mountains.

(5) \$250,000 of the wildlife fund—state appropriation is provided solely for an inventory of critical wildlife habitat.

(6) \$5,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5533 (removal or destruction of marine mammals reducing salmon or steelhead populations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 308, Section 315, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((44,540,000)) 47,909,500 |
| General Fund Appropriation—Federal | \$ | 639,000 |
| General Fund Appropriation—Private/Local | \$ | 12,000 |
| ORV (Off-Road Vehicle) Account Appropriation—Federal | \$ | 3,266,000 |
| Geothermal Account Appropriation—Federal | \$ | 16,000 |
| Forest Development Account Appropriation | \$ | ((23,074,000)) 23,311,000 |
| Survey and Maps Account Appropriation | \$ | ((660,000)) 1,090,000 |
| Natural Resources Conservation Area Stewardship Account Approp- riation | \$ | 364,000 |
| Aquatic Lands Enhancement Account Appropriation | \$ | 635,000 |
| Landowner Contingency Forest Fire Suppression Account Appropria- tion | \$ | 2,119,000 |
| Resource Management Cost Account Appropriation | \$ | ((66,432,000)) 69,320,000 |
| Aquatic Land Dredged Material Disposal Site Account Appropriation | \$ | ((286,000)) 536,000 |
| State Toxics Control Account Appropriation | \$ | 399,000 |
| Total Appropriation | \$ | ((144,243,000)) 149,616,500 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,654,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

(8) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(9) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(10) \$125,000 of the general fund—state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(11) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(12) The department of natural resources in cooperation with the United States forest service, other federal agencies, private timber land owners, and the University of Washington, shall conduct a timber and timberland inventory to provide the information needed to prepare an assessment of the timber supply in Washington state. The inventory shall be prepared in such a way that it may be updated periodically. The inventory shall include all state, private, county, and federal forest lands, including forest lands withdrawn from harvest such as parks, watersheds, and similar lands reserved for nontimber producing activities. The intensity of sampling and methods used to inventory lands withdrawn from harvest need not result in as high a degree of accuracy as is achieved for other lands. \$1,000,000, of which \$750,000 is from the general fund—state appropriation, \$75,000 is from the forest development account appropriation, and \$175,000 is from the resource management cost account appropriation, is provided solely for the purposes of this subsection.

(13) \$163,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(14) \$905,000, of which \$625,000 is from the general fund—state appropriation, \$118,000 is from the forest development account appropriation, and \$162,000 is from the resource management cost account appropriation, is provided solely for costs related to the Grouse Ridge correctional camp.

(15) \$200,000 of the general fund—state appropriation is provided solely to implement the provisions of Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(16) \$6,500 of the general fund—state appropriation is provided solely as additional funds for the state share of rentals for amateur radio operator sites.

(17) \$1,500,000 of the general fund—state appropriation is provided solely to reimburse counties, other taxing districts, and the department of natural resources for revenues lost as a result of county decisions to implement provisions of RCW 76.12.190. Any county with forest board lands or owning its own timber land which reserves timber for sale to an enterprise meeting the eligibility standards set forth in RCW 76.12.190(2)(a) (i), (ii), and (iii) shall be eligible to receive reimbursement under this subsection. Participating counties and the department of natural resources shall be reimbursed from the amount provided in this subsection as follows: The department of revenue shall determine the compensation basis by comparing the

actual bid price of timber sold under RCW 76.12.190(1) to the valuation of the timber as determined by the department under RCW 84.33.091. The difference shall be the compensation to be divided between the county, the department of natural resources, and the other taxing districts in the following manner: Twenty-five percent to the department of natural resources to be deposited in the forest development account, and the balance distributed between the counties and the other taxing districts in the same proportion as general taxes are paid and distributed in the year of payment.

The department of natural resources shall distribute these moneys to participating counties and the forest development account as the enterprise removes the timber. Each county shall distribute moneys owed to the other taxing districts in its jurisdiction.

In the event the amount provided in this subsection is not sufficient to fully compensate all revenue losses to the department of natural resources, all participating counties, and other taxing districts, it shall be used to compensate for sales in order of the date of sale. The reserving of timber by counties does not constitute a contractual relationship between the department of natural resources and the county or the other taxing districts.

Sec. 309. Section 316, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES—COMMON SCHOOL CONSTRUCTION

The following amounts are appropriated for the acquisition in fee of common school trust lands and timber throughout the state as determined by the board of natural resources:

| | | |
|---|----|--|
| General Fund Appropriation for fiscal year 1990 | \$ | 35,750,000 |
| General Fund Appropriation for the period April 15, 1990, through June 30, 1991 | \$ | ((35,750,000)) 77,750,000 |
| Total Appropriation | \$ | ((71,500,000)) 113,500,000 |

The appropriations in this section are subject to the following conditions and limitations:

~~((2) The lands and timber purchased under this section shall be managed under either chapter 79.70 or 79.71 RCW, as determined by the board of natural resources;~~

~~(3) The land and timber shall be appraised and purchased at full market value;~~

~~(4) The proceeds of the sales of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deductions shall be made for the resource management cost account under RCW 79.64.040;~~

~~(5) The proceeds of the sales of land shall be used by the department to acquire replacement timber land of equal value to be managed as common school trust land and to maintain a sustainable yield;))~~

(1) The lands and timber acquired under this section shall be managed under either chapter 79.70 or 79.71 RCW, as determined by the board of natural resources;

(2) The land and timber shall be separately appraised and shall be acquired at full market value;

(3) The trust land to be acquired shall be replaced, by transfer, with real property of equal value purchased with this appropriation. The replacement timber land shall be managed as common school trust land to maintain a sustainable yield;

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber value to land value in these transactions;

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts;

(6) The proceeds of the sale of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deductions shall be made for the resource management cost account under RCW 79.64.040; and

(7) Lands purchased under the authority of this section may, by mutual agreement of the board of natural resources and the parks and recreation commission, be transferred for management under chapter 43.51 RCW as state parks.

Sec. 310. Section 317, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((18,780,000)) 18,957,000 |
| General Fund Appropriation—Federal | \$ | 795,000 |
| State Toxics Control Account Appropriation | \$ | ((299,000)) 699,000 |
| Total Appropriation | \$ | ((19,874,000)) 20,451,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Authority to expend funds from any source for AIM 2000, the agency information system, is conditioned on compliance with section 802 of this act.

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. ~~(If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.)~~ \$1,224,000 of the amount provided in this subsection shall be supported by increased fees deposited into the general fund in accordance with chapter 15.58 RCW.

(3) \$66,000 of the general fund—state appropriation is provided solely to implement Second Substitute House Bill No. 2270. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(4) \$24,000 of the general fund—state appropriation is provided solely for the department's brucellosis screening program.

Sec. 311. Section 318, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

| | | |
|---|----|---|
| State Convention/Trade Center Account Appropriation | \$ | ((22,119,000)) 22,169,000 |
|---|----|---|

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,453,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

(2) \$50,000 is provided solely for construction of a temple bell display case.

Sec. 312. Section 19, chapter 383, Laws of 1989 (uncodified) is amended to read as follows:

The sum of ~~((four hundred))~~ nine hundred thirty-six thousand dollars, or as much thereof as may be necessary, is appropriated from the pollution liability reinsurance program trust account to the Washington pollution liability reinsurance program for the biennium ending June 30, 1991 ~~((to carry out the purposes of this act)).~~ If legislation authorizing implementation of the program is not enacted by June 30, 1990, the entire appropriation, or as much as remains, shall lapse.

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((25,718,000)) 25,794,000 |
| General Fund Appropriation—Federal | \$ | 161,000 |
| General Fund Appropriation—Private/Local | \$ | 164,000 |
| Death Investigations Account Appropriation | \$ | 24,000 |
| Total Appropriation | \$ | ((26,067,000)) 26,143,000 |

The appropriations in this section are subject to the following conditions and limitations: The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (1) To verify weight for criminal cases where weight is a factor, or (2) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

Sec. 402. Section 402, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

| | | |
|---|----|---|
| General Fund Appropriation | \$ | ((19,349,000)) 19,793,000 |
| Architects' License Account Appropriation | \$ | ((623,000)) 809,000 |
| Cemetery Account Appropriation | \$ | 157,000 |
| Health Professions Account Appropriation | \$ | ((15,059,000)) 15,122,000 |
| Medical Disciplinary Account Appropriation | \$ | 1,586,000 |
| Professional Engineers' Account Appropriation | \$ | ((1,527,000)) 1,852,000 |
| Real Estate Commission Account Appropriation | \$ | ((5,603,000)) 6,298,000 |
| Total Appropriation | \$ | ((43,904,000)) 45,617,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) If uniform commercial code filing fees are increased such that the increase is expected to yield at least \$1,000,000 in additional revenues, then up to \$1,000,000 of the general fund—state appropriation may be expended for department purposes.

(2) If any of the following bills (~~are~~) is not enacted by June 30, 1989, a corresponding amount, shown below, from the health professions account appropriation shall lapse:

| | | |
|---------------------------|----|--------|
| House Bill No. 1896 | \$ | 9,000 |
| House Bill No. 2126 | \$ | 42,000 |

(3) Of the general fund—state appropriation, the following amounts are provided solely for the purposes of the following bills. The general fund shall be reimbursed by June 30, 1991, through an assessment of fees sufficient to cover all costs associated with enacting the purposes of the following legislation. If any of the following bills is not enacted by June 30, 1989, a corresponding amount, shown below, from the general fund—state appropriation in this section shall lapse:

| | | |
|---------------------------------------|----|---------|
| House Bill No. 1096 | \$ | 130,000 |
| Engrossed House Bill No. 1917 | \$ | 450,000 |
| Substitute Senate Bill No. 5085 | \$ | 153,000 |

(4) The department shall reimburse the general fund for all costs associated with implementing Engrossed Second Substitute House Bill No. 2624 through assessment of fees. If the bill is not enacted by June 30, 1990, \$34,000 of the general fund—state appropriation shall lapse.

(5) \$253,000 of the general fund appropriation is provided solely for relocation expenses incurred as a result of the formation of the department of health.

NEW SECTION. Sec. 403. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

\$2,060,000, or as much thereof as may be necessary, is appropriated from the general fund to the department of licensing for the purpose of the master license system. The general fund shall be reimbursed by at least the amount of the appropriation in this section by June 30, 1991, through the collection of handling fees on original master license applications under chapter 19.02 RCW, and annual corporate report filing fees under chapter 23B.16 RCW. If neither Substitute Senate Bill No. 6664 nor other legislation authorizing the collection of these fees is enacted by June 30, 1990, then this appropriation shall lapse.

PART V
EDUCATION

Sec. 501, Section 501, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

| | | |
|---|----|-------------------------|
| General Fund Appropriation—State | \$ | (19,774,000) |
| | | 19,799,000 |
| General Fund Appropriation—Federal | \$ | 9,074,000 |
| Public Safety and Education Account Appropriation | \$ | 409,000 |
| Total Appropriation | \$ | (29,257,000) |
| | | 29,282,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$336,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs.

(3) \$19,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$54,000 of the general fund—state appropriation is provided solely for Hispanic drop-out prevention and retrieval.

(5) \$200,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials, and for training to implement innovative curricula such as a schools and architecture program. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(6) ~~\$(25,000)~~ 50,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools. In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

(7) The superintendent of public instruction shall allocate administrative resources as needed for investigating suspected violations of the state board of education's professional conduct code for educators.

Sec. 502. Section 502, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ((4,323,885,888))
4,355,347,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((414,888,888)) 419,407,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students, except that for skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through

twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

For the 1990-91 school year, no district may receive allocations under (f) (i) or (ii) of this subsection unless the district offers a high school program for district residents eligible to enroll in grades nine through twelve.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of ~~\$(9,925,000)~~ 41,925,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$358,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(d) A maximum of \$~~(6,000,000)~~ 8,000,000 is provided solely for the purchase of new and replacement equipment for use primarily in approved vocational-secondary and skill center programs, including \$6,000,000 provided for allocation in the 1989-90 school year. These moneys shall be allocated to school districts ((during the 1989-90 school year)) on the basis of full time equivalent enrollment in vocational programs.

(e) \$25,250,000 is provided solely to employ additional elementary school classroom assistants and certificated instructional staff for the 1990-91 school year. These moneys shall be distributed in proportion to school districts' full time equivalent enrollment in kindergarten through grade five and shall be allocated according to the schedule established in RCW 28A.48.010. School districts shall use a minimum of seventy-five percent of moneys received under this subsection 8(e) to employ additional classified instructional assistants assigned to kindergarten through fifth grade basic education classrooms. Districts may use remaining moneys to employ either basic education classified instructional assistants or certificated instructional staff assigned to kindergarten through grade five. A district may not use moneys provided under this section for certificated instructional staff unless these staff are excluded when determining the district's actual K-3 staffing ratio under subsection (10) of this section and the district documents to the superintendent of public instruction that its actual K-3 ratio under subsection (10) of this section for the 1990-91 school year is at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students. Districts may not use allocations provided under this subsection to supplant other moneys previously used to employ classified instructional assistants or certificated instructional staff in kindergarten through grade five.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and ((5-74)) 6.56 percent from the 1989-90 school year to the 1990-91 school year.

(10) (a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

Sec. 503. Section 503, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ((196,128,000))
226,991,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on (~~May 7, 1989~~) February 17, 1990, at (~~(11:00)~~) 16:00 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

(f) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) ~~S((7-492-000)) 9,851,000~~ is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for two-thirds of the certificated administrative staff units shall be further increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits. School districts shall use the allocations generated by the 1990-91 increase under this subsection to provide salary increases for principals, vice-principals, and other school-based administrators.

(4) ~~S((27-903-000)) 30,401,000~~ is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional (~~(3-12)~~) 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~S((160-733-000)) 186,739,000~~ is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district

shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA | BA+15 | BA+30 | BA+45 |
|------------------------|--------|--------|--------|--------|
| 0 | 18,304 | 18,798 | 19,311 | 19,823 |
| 1 | 18,981 | 19,494 | 20,025 | 20,574 |
| 2 | 19,677 | 20,208 | 20,757 | 21,361 |
| 3 | 20,409 | 20,958 | 21,526 | 22,166 |
| 4 | 21,159 | 21,745 | 22,331 | 23,008 |
| 5 | 21,946 | 22,551 | 23,155 | 23,887 |
| 6 | 22,770 | 23,374 | 24,015 | 24,802 |
| 7 | 23,612 | 24,234 | 24,893 | 25,735 |
| 8 | 24,472 | 25,131 | 25,809 | 26,724 |
| 9 | | 26,065 | 26,779 | 27,731 |
| 10 | | | 27,767 | 28,792 |
| 11 | | | | 29,890 |
| 12 | | | | |
| 13 | | | | |
| 14 or more | | | | |

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA+90 | BA+135 | MA | MA+45 | MA+90 or PHD |
|------------------------|--------|--------|--------|--------|-----------------|
| 0 | 21,471 | 22,532 | 21,471 | 22,770 | 23,887 |
| 1 | 22,276 | 23,356 | 22,276 | 23,612 | 24,765 |
| 2 | 23,100 | 24,216 | 23,100 | 24,491 | 25,681 |
| 3 | 23,942 | 25,113 | 23,942 | 25,388 | 26,632 |
| 4 | 24,839 | 26,047 | 24,839 | 26,321 | 27,621 |
| 5 | 25,754 | 27,017 | 25,754 | 27,310 | 28,627 |
| 6 | 26,706 | 28,005 | 26,706 | 28,316 | 29,689 |
| 7 | 27,694 | 29,048 | 27,694 | 29,360 | 30,787 |
| 8 | 28,719 | 30,128 | 28,719 | 30,440 | 31,940 |
| 9 | 29,781 | 31,245 | 29,781 | 31,574 | 33,112 |
| 10 | 30,879 | 32,398 | 30,879 | 32,746 | 34,338 |
| 11 | 32,032 | 33,588 | 32,032 | 33,954 | 35,601 |
| 12 | 33,222 | 34,833 | 33,222 | 35,217 | 36,919 |
| 13 | 34,448 | 36,114 | 34,448 | 36,516 | 38,292 |
| 14 or more | | 37,450 | 35,711 | 37,871 | 39,701 |

(b) As used in this subsection, "+(N)" means the number of credits earned since receiving the highest degree.

(7)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA | BA+15 | BA+30 | BA+45 |
|------------------------|--------|--------|--------|--------|
| 0 | 20,001 | 20,541 | 21,101 | 21,661 |
| 1 | 20,656 | 21,214 | 21,792 | 22,389 |
| 2 | 21,325 | 21,900 | 22,495 | 23,150 |
| 3 | 22,027 | 22,620 | 23,232 | 23,923 |
| 4 | 22,742 | 23,372 | 24,001 | 24,729 |
| 5 | 23,490 | 24,136 | 24,783 | 25,566 |
| 6 | 24,269 | 24,913 | 25,596 | 26,435 |
| 7 | 25,061 | 25,721 | 26,421 | 27,314 |

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA | BA+15 | BA+30 | BA+45 |
|------------------------------|--------|--------|--------|--------|
| 8 | 25,864 | 26,561 | 27,277 | 28,244 |
| 9 | | 27,431 | 28,182 | 29,184 |
| 10 | | | 29,098 | 30,172 |
| 11 | | | | 31,189 |
| 12-17 (+3 14 or more)) | | | | 32,125 |
| 18 or more | | | | 33,088 |

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA+90 | BA+135 | MA | MA+45 | MA+90 or PHD |
|----------------------|--------|--------|--------|--------|--------------|
| 0 | 23,461 | 24,621 | 23,980 | 25,780 | 26,940 |
| 1 | 24,242 | 25,417 | 24,708 | 26,561 | 27,736 |
| 2 | 25,034 | 26,245 | 25,469 | 27,353 | 28,563 |
| 3 | 25,840 | 27,104 | 26,242 | 28,159 | 29,423 |
| 4 | 26,696 | 27,995 | 27,048 | 29,015 | 30,314 |
| 5 | 27,565 | 28,916 | 27,885 | 29,884 | 31,235 |
| 6 | 28,464 | 29,849 | 28,754 | 30,783 | 32,168 |
| 7 | 29,393 | 30,831 | 29,633 | 31,712 | 33,150 |
| 8 | 30,352 | 31,842 | 30,563 | 32,671 | 34,161 |
| 9 | 31,341 | 32,882 | 31,502 | 33,660 | 35,201 |
| 10 | 32,358 | 33,950 | 32,491 | 34,677 | 36,269 |
| 11 | 33,423 | 35,047 | 33,508 | 35,742 | 37,366 |
| 12 | 34,516 | 36,189 | 34,566 | 36,835 | 38,508 |
| 13 | 35,636 | 37,359 | 35,659 | 37,955 | 39,678 |
| 14-17 ((or more)) | 36,705 | 38,573 | 36,786 | 39,154 | 40,892 |
| 18-21 | 37,806 | 39,730 | 37,890 | 40,329 | 42,119 |
| 22 or more | | 40,922 | 39,026 | 41,538 | 43,382 |

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (6) and (7) of this section are for allocation purposes only. However, it is the legislature's intent to respond to salary needs of many senior teachers who have not been receiving salary increments on either state or local salary schedules. The legislature and the public recognize the need to provide salary growth for these senior teachers, to encourage them to remain teaching. School districts should target moneys generated by the additional seniority steps provided for state salary funding in the 1990-91 school year to senior teachers.

Sec. 504. Section 504, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ~~(38,730,000)~~
46,190,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of ~~\$(13,400,000)~~ 15,204,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by ~~\$(40-t3)~~ 50.24 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by ~~\$(22-99)~~ 26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by ~~\$(23-78)~~ 29.76 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by ~~\$(205-0t)~~ 248.68 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by ~~\$(t+t0)~~ 1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of ~~\$(25,330,000)~~ 30,986,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

Sec. 505. Section 505, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES
General Fund Appropriation \$ ~~((21,111,000))~~
25,467,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff ~~((in the 1989-90 and 1990-91 school years, effective October 1, 1989))~~ to a rate of \$239.86 per month, effective October 1, 1989, and to a rate of \$246.74 per month, effective October 1, 1990, as distributed pursuant to this section.

(3) A maximum of ~~\$(16,939,000)~~ 20,275,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.88 per month beginning with October 1990.

(4) A maximum of ~~\$(2,226,000)~~ 2,813,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.88 per month beginning with October 1990.

(5) A maximum of ~~\$(108,000)~~ 129,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month beginning with October 1989, and by an additional \$6.88 per month beginning with October 1990.

(6) A maximum of ~~\$(1,838,000)~~ 2,250,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified effective October 1989. For the 1990-91 school year, school districts shall receive

eleven-twelfths of the additional annual increase specified effective October 1990. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile effective October 1, 1989, and an additional increase of \$0.06 per weighted pupil-mile effective October 1, 1990;

(b) For learning assistance, an increase of \$3.78 per pupil effective October 1, 1989, and an additional increase of \$1.72 per pupil effective October 1, 1990;

(c) For education of highly capable students, an increase of \$1.29 per pupil effective October 1, 1989, and an additional increase of \$0.58 per pupil effective October 1, 1990;

(d) For transitional bilingual education, an increase of \$2.44 per pupil effective October 1, 1989, and an additional increase of \$1.11 per pupil effective October 1, 1990;

(e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil effective October 1, 1989, and an additional increase of \$4.58 per full time equivalent pupil effective October 1, 1990.

(7) If Substitute House Bill No. 2230 (K-12 employee benefit plans) is not enacted by June 30, 1990, increases under this section to be effective October 1, 1990, shall not be implemented and \$4,130,000 of the appropriation in this section shall lapse.

Sec. 506. Section 507, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~(250,821,688)~~
252,938,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of ~~\$(111,468,688)~~ 112,197,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

Sec. 507. Section 508, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ ~~(82,884,000)~~
83,299,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(2) Funding for vocational programs during the 1990-91 school year shall be distributed at a rate of \$3,268 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.

(5) \$415,000 of the appropriation is provided solely for pilot programs established under Engrossed Second Substitute House Bill No. 2348. The pilot programs shall use innovative approaches for integrating adult education instruction with vocational training. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 508. Section 509, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State \$ ~~(6,000,000)~~
7,500,000
General Fund Appropriation—Federal \$ 85,000,000
Total Appropriation \$ ~~(91,000,000)~~
92,500,000

The appropriations in this section are subject to the following conditions and limitations: \$1,500,000 of the general fund—state appropriation is provided solely for distribution to school districts in the 1990-91 school year in proportion to the total number of meals served to students by each district's food service program. This amount is provided solely for school districts to increase total school food service expenditures for costs other than employee compensation above the district's level for the prior school year.

Sec. 509. Section 510, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((503,593,000)) 527,882,000 |
| General Fund Appropriation—Federal | \$ | 59,000,000 |
| Total Appropriation | \$ | ((562,593,000)) 586,882,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((40,111,000))~~ 48,101,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of ~~\$((440,000))~~ 527,000 may be expended from the general fund—state appropriation to fund ~~((4.66))~~ 5.43 full time equivalent teachers and ~~((one aide))~~ 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund—state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund—state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of ~~\$((1,500,000))~~ 1,200,000 of the general fund—state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under ~~((section 13 of Engrossed Substitute House Bill No. 1444))~~ RCW 28A.120.094. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with the percentage of students identified as specific learning disabled ~~((enrollment))~~ at the ~~((prior))~~ 1988-89 school year's level or four percent, whichever is greater; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

Sec. 510. Section 513, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

| | | |
|----------------------------------|----|---|
| General Fund Appropriation | \$ | ((82,700,000)) 95,916,000 |
|----------------------------------|----|---|

The appropriation in this section is subject to the following conditions and limitations: ~~\$((82,700,000))~~ 95,916,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 511. Section 515, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((20,566,000)) 21,939,000 |
| General Fund Appropriation—Federal | \$ | 8,006,000 |
| Total Appropriation | \$ | ((20,572,000)) 29,945,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,817,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) ~~\$((10,165,000))~~ 11,374,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) ~~\$((3,293,000))~~ 3,377,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((10,903))~~ 11,144 per full time equivalent student.

(b) ~~\$(3,647,000)~~ 3,883,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$(6,728)~~ 6,750 per full time equivalent student.

(c) ~~\$(416,000)~~ 444,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$(5,166)~~ 5,344 per full time equivalent student.

(d) ~~\$(727,000)~~ 821,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$(1,772)~~ 2,032 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) ~~\$(2,000,000)~~ 2,849,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$(4,071)~~ 4,976 per full time equivalent student.

(3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of ~~\$(16,847)~~ 11,128 per full time equivalent student and a total allocation of no more than ~~\$(2,005,000)~~ 2,960,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of ~~\$(6,741)~~ 6,761 per full time equivalent student and a total allocation of no more than ~~\$(3,701,000)~~ 3,712,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of ~~\$(5,177)~~ 5,489 per full time equivalent student and a total allocation of no more than ~~\$(419,000)~~ 445,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of ~~\$(1,789)~~ 2,021 per full time equivalent student and a total allocation of no more than ~~\$(723,000)~~ 816,000 for that school year, excluding funds provided through the basic education formula established in section 502 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of ~~\$(4,002)~~ 4,987 per full time equivalent student and a total allocation of no more than ~~\$(2,000,000)~~ 2,125,000 for that school year.

(4) \$167,000 of the general fund—state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(6) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

Sec. 512. Section 516, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS
 General Fund Appropriation \$ ~~(7,090,000)~~
7,115,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(534,000)~~ 532,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 school year shall be distributed at a maximum rate of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$364 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(4) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 513. Section 517, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((5,684,000)) 6,534,000 |
| General Fund Appropriation—Federal | \$ | 5,131,000 |
| Total Appropriation | \$ | ((10,815,000)) 11,665,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$2,029,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$872,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(5) ~~\$((1,500,000))~~ 2,250,000 of the general fund—state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. The funding is intended to provide a training program of at least twenty-five hours for approximately one thousand five hundred classroom assistants, and at least a one-day training program for approximately ~~((two))~~ three thousand assigned teachers. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$350,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training. In the 1990-91 school year, grants may be provided for up to ten school districts. Districts shall be selected according to the minority percentage of their student population and their demonstrated need to address disproportionality in student achievement.

(7) \$100,000 of the general fund—state appropriation is provided solely to contract with the Henry M. Jackson school of international studies at the University of Washington pursuant to Engrossed Substitute House Bill No. 2653. The contract shall include inservice training programs, technical assistance to school districts, and dissemination of curriculum materials related to international education. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 514. Section 518, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((15,991,000)) 32,376,000 |
| General Fund Appropriation—Federal | \$ | ((5,973,000)) 7,857,000 |
| Total Appropriation | \$ | ((21,964,000)) 40,233,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,731,000 of the general fund—state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools. \$815,000 of this amount is provided to expand the travelling van program to serve approximately 50 percent of public elementary schools annually, and to expand the on-site instruction program to serve approximately 70,000 students and teachers each year.

(2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) ~~\$(3,975,000)~~ 5,859,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.

(4) ~~\$(5,719,000)~~ 7,429,000 of the general fund—state appropriation (~~and \$1,710,000 of the general fund—federal appropriation are~~) is provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. (~~The general fund—federal appropriation shall be expended~~) \$1,710,000 of this amount is provided solely to establish a maximum of twelve new projects in fiscal year 1991.

(5) ~~\$(3,560,000)~~ 4,060,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.

(7) \$1,519,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs, who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.

(8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(9) ~~\$(250,000)~~ 500,000 of the general fund—state appropriation is provided solely for the continuation in the 1989-90 and 1990-91 school years of student teaching pilot projects initially established under (~~Engrossed Senate Bill No. 5826. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse~~) RCW 28A.70.400.

(10) ~~\$(2,712,000)~~ 2,352,000 of the general fund—state appropriation and ~~\$(200,000)~~ 1,998,000 of the general fund—federal appropriation are provided solely for grants for drop-out prevention and retrieval programs established under RCW 28A.120.060 through 28A.120.072(~~;~~), with the following conditions:

(a) The general fund—federal appropriation shall be allocated to school districts for projects that meet federal criteria for targeted services eligible for funding under chapter 2 of the education consolidation and improvement act, to assist in establishing new services and innovative programs for students at risk.

(b) A minimum of \$450,000 of the general fund—state amount shall be distributed in the 1990-91 school year for programs to employ low-income students in grades ten through twelve as tutors for students in kindergarten through grade nine. School districts receiving these grants shall pay student tutors at least minimum wage. The tutoring shall be conducted after school hours. The school districts shall provide training and supervision of the student tutors.

(11) \$126,000 of the general fund—state appropriation is provided solely to establish and operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(12) \$6,000,000 of the general fund—state appropriation is provided solely for grants to school districts for magnet school programs established under Engrossed Substitute House Bill No. 2517. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(13) \$500,000 of the general fund—state appropriation is provided solely for the home-les education grant program established by Second Substitute House Bill No. 2359. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(14) \$2,000,000 of the general fund—state appropriation is provided solely for start-up grants for before-and-after school child care programs for school-age children. A school district may receive a grant under this subsection only if the district has adopted a fee schedule based on the projected costs of services, and has submitted to the superintendent of public instruction an operating plan demonstrating that, after its initial twenty-four months of operation, the program is expected to be fully supported through fees and other local revenues. The grants may be used for establishing new programs or for expanding existing programs, but may not be used for costs incurred more than twenty-four months after the establishment of a before-and-after school program at a particular site. No grant may support more than seventy-five percent of a district's program costs during the initial twenty-four months. The grants may be used for community needs assessments, planning and design of programs, equipment and supplies, capital improvements including portables, and compensation costs, for the first three months of employment only, for employees filling new positions.

(15) \$4,500,000 of the general fund—state appropriation is provided solely for grants to school districts for elementary school intervention specialists. The grants shall be used to contract with the department of social and health services and other social service agencies for school-based caseworkers or social workers, or for the districts to employ or jointly employ

school social workers, providing services on a twelve-month basis. In selecting school districts to receive grants, the superintendent of public instruction shall give priority to districts participating in consortia of public and private social service agencies, pursuant to formalized agreements for coordinated case management, and to placing intervention specialists in schools with high concentrations of students from low-income families. School districts may not use the grants to supplant funding from other sources previously provided for counseling or intervention services. The minimum grant amount shall be \$25,000 per school district. Each school district that receives a grant shall conduct an evaluation of the effectiveness of its intervention program and submit a report to the superintendent of public instruction by June 30, 1991.

(16) \$1,000,000 of the general fund—state appropriation is provided solely to contract for teacher training in identification and prevention of child abuse.

(17) \$100,000 of the general fund—state appropriation is provided solely for the state board of education to contract for the development of a system to evaluate student performance using core competency standards.

(18) \$10,000 of the general fund—state appropriation is provided solely for a grant to the Seattle children's museum to provide after-school multicultural outreach programs for at-risk students.

(19) \$175,000 of the general fund—state appropriation is provided solely as matching funds to the Washington leadership institute to operate innovative and interactive youth leadership programs aimed at enhancing community development. No portion of the amount provided in this subsection may be expended unless matched by at least \$1.50 in private contributions for each dollar of state funding.

(20) Moneys provided in subsections (12) through (16) of this section may not be used by the superintendent of public instruction for state-level administrative costs.

Sec. 515. Section 520, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

| | | |
|----------------------------------|----|-------------------------|
| General Fund Appropriation | \$ | (14,772,000) |
| | | 17,571,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(1,476,000)~~ 1,521,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

Sec. 516. Section 521, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

| | | |
|----------------------------------|----|-------------------------|
| General Fund Appropriation | \$ | (70,417,000) |
| | | 71,992,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(5,699,000)~~ 5,847,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

Sec. 517. Section 522, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

| | | |
|----------------------------------|----|------------------------|
| General Fund Appropriation | \$ | (3,584,000) |
| | | 3,834,000 |

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1990.

PART VI
HIGHER EDUCATION

Sec. 601. Section 601, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2)(a) Student Quality Standard: Each institution shall adhere to biennial budgeted enrollment levels. During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus two percent. The amounts include total appropriated general fund—state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.

| | | |
|---|----|-------|
| University of Washington | \$ | 9,251 |
| Washington State University | \$ | 7,484 |
| Eastern Washington University | \$ | 5,493 |
| Central Washington University | \$ | 5,563 |
| The Evergreen State College | \$ | 6,904 |
| Western Washington University | \$ | 5,338 |
| State Board for Community College Education | \$ | 3,284 |

(b) Facilities Quality Standard: During the 1989-91 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below their allotments from the general fund—state appropriation and the general fund—local amounts allotted for this purpose.

(3)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 608 and 610 of this act for ((faculty, graduate assistants, and exempt)) staff salary increases on January 1, 1990, and January 1, 1991, excluding classified staff salary increases, and are subject to all ((the)) of the conditions and limitations contained in this section. ((For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.)) The amount shown for the state board for community college education may be used for compensation increases pursuant to Substitute House Bill No. 2999, if that bill is enacted by June 30, 1990.

| | | |
|---|----|---|
| University of Washington | \$ | ((18,348,000)) 18,434,000 |
| Washington State University | \$ | ((9,603,000)) 9,254,000 |
| Eastern Washington University | \$ | ((2,864,000)) 2,839,000 |
| Central Washington University | \$ | ((2,553,000)) 2,412,000 |
| The Evergreen State College | \$ | ((1,210,000)) 1,207,000 |
| Western Washington University | \$ | ((3,435,000)) 3,263,000 |
| State Board for Community College Education | \$ | ((19,753,000)) 20,328,000 |
| Higher Education Coordinating Board | \$ | 66,000 |

(b) For the January 1, 1990, salary increases, the amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase, including increments, listed below on the effective ((dates indicated:)) date. For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors, who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.

((Faculty and Exempt Staff))

January 1, 1990

((January 1, 1991))

| | | |
|--|------|----------|
| University of Washington | 6.1% | ((6.1%)) |
| Washington State University | 6.1% | ((6.1%)) |
| Eastern Washington University | 6.4% | ((6.4%)) |
| Central Washington University | 6.4% | ((6.4%)) |
| The Evergreen State College | 6.4% | ((6.4%)) |
| Western Washington University | 6.4% | ((6.4%)) |
| State Board for Community College Education | 6.2% | ((6.2%)) |
| Exempt staff (all institutions) | 2.5% | ((6.0%)) |
| Higher Education Coordinating Board | 2.5% | ((6.0%)) |

(c) For the January 1, 1991, salary increase, the average percentage increase for the combined group consisting of faculty, academic administrators, academic librarians, and teaching and research assistants, as defined by the employee classification system of the office of financial management, shall not exceed the following percentage for each of the following institutions:

| | January 1, 1991 |
|-------------------------------|-----------------|
| University of Washington | 6.1% |
| Washington State University | 6.1% |
| Eastern Washington University | 6.4% |
| Central Washington University | 6.4% |
| The Evergreen State College | 6.4% |
| Western Washington University | 6.4% |

(d) For the January 1, 1991, salary increase for each of the institutions listed in subsection (3)(c) of this section and the higher education coordinating board, the average percentage increase for the combined group consisting of counselors, administrators and other professionals, as defined by the employee classification system of the office of financial management, shall not exceed 6.0%.

(e) For the January 1, 1991, salary increase for the community college system as a whole, the average percentage increase, including increments, for the combined group consisting of faculty, academic librarians, and counselors, as defined by the employee classification system of the office of financial management, shall not exceed 6.2%.

(f) For the January 1, 1991, salary increase for the community college system as a whole, the average percentage increase for the combined group consisting of administrators and other professionals, including academic administrators, as defined by the employee classification system of the office of financial management, shall not exceed 6.0%. The percentage increase may be used for compensation pursuant to Substitute House Bill No. 2999, if the bill is enacted by June 30, 1990.

(g) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when comparing faculty salaries to other institutions for the purpose of determining salary increase requirements.

((d)) (h) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

((e)) (i) The state board for community college education shall allocate the amounts authorized in this subsection among the community college districts according to policies and guidelines established by the board that may include policies for achieving more equitable salary levels among districts and more equitable salary levels between part-time and full-time faculty.

(4) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

| | | |
|--|----|-----------|
| University of Washington | \$ | 4,484,000 |
| Washington State University | \$ | 2,950,000 |
| Eastern Washington University | \$ | 747,000 |
| Central Washington University | \$ | 574,000 |
| The Evergreen State College | \$ | 427,000 |
| Western Washington University | \$ | 792,000 |
| State Board for Community College Education | \$ | 4,011,000 |
| Higher Education Coordinating Board | \$ | 35,000 |

(5) The following amounts from the appropriations in sections 602 through 608 of this act are provided solely for student employee salary increases:

| | |
|--|------------|
| University of Washington | \$ 130,000 |
| Washington State University | \$ 73,000 |
| Eastern Washington University | \$ 21,000 |
| Central Washington University | \$ 18,000 |
| The Evergreen State College | \$ 9,000 |
| Western Washington University | \$ 25,000 |
| State Board for Community College Education | \$ 142,000 |

(6) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section, as allocated by the state board for community college education, is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

(7) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection. It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session to reflect the classification system; the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations for the January 1, 1991, increase under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

(8) The higher education coordinating board shall, by November 1, 1990, complete an analysis of higher education salary levels, including comparisons with peer institutions, for the employee groups defined in the office of financial management employee classification system, except for classified staff and students.

Sec. 602, Section 602, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

| | |
|----------------------------|--|
| General Fund Appropriation | \$ ((629,466,000)) 633,616,000 |
|----------------------------|--|

The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community college education shall establish compensation guidelines for salary levels of the top administrative position at community colleges. The guidelines should take into account criteria such as institutional size, level of responsibility, experience, and longevity.

~~((3))~~ (2) The enrollment increases funded by this appropriation shall be distributed among all the community college districts based on the weighted percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

~~((4))~~ (3)(a) At least \$400,000 shall be spent on assessment of student outcomes. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

(b) At least \$1,620,000 shall be spent on college-specific assessment of student outcomes. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

~~((5))~~ (4) At least \$50,000 shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

~~((6))~~ (5) \$5,430,000 is provided to enhance the institution's appropriation for equipment.

(6) \$1,350,000 of the general fund—state appropriation is provided solely for the community college faculty award trust fund pursuant to Second Substitute House Bill No. 2372 or Substitute Senate Bill No. 6216. If neither bill is enacted before June 30, 1990, the amount provided in this subsection shall lapse.

(7) \$580,000 of the general fund—state appropriation is provided solely for six pilot training programs that incorporate innovative means of responding to the needs of businesses

and the work force, as part of the human capital investment program pursuant to Engrossed Second Substitute House Bill No. 2348. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(8) \$25,000 of the general fund appropriation is provided solely for allocation to those community colleges which have been selected to receive \$1,000,000 in federal money if \$500,000 of nonfederal money is raised, under the United States department of education endowment challenge grant program authorized by title III of the higher education act. Any community colleges receiving money under this subsection shall use it solely as part of the nonfederal match requirement described in this subsection.

Sec. 603. Section 603, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

| | | |
|--|----|----------------------------|
| General Fund Appropriation | \$ | ((613,671,000)) |
| | | 616,920,000 |
| Medical Aid Fund Appropriation | \$ | 3,518,000 |
| Accident Fund Appropriation | \$ | 3,517,000 |
| Death Investigations Account Appropriation | \$ | 957,000 |
| Total Appropriation | \$ | ((621,663,000)) |
| | | 624,912,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$6,620,000 of the general fund appropriation shall be spent to begin off-campus upper-division course offerings in Tacoma and Bothell.

(2) The University of Washington shall establish an evening degree credit program. ~~\$((391,000))~~ 3,473,000 of the general fund appropriation is provided ~~((to facilitate))~~ solely for this purpose.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$4,587,000 is provided to enhance the institution's appropriation for equipment.

(5) \$500,000 of the general fund appropriation is provided solely for the Warren G. Magnuson Institute trust fund, pursuant to Second Substitute House Bill No. 2443. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 604. Section 604, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

| | | |
|----------------------------------|----|----------------------------|
| General Fund Appropriation | \$ | ((337,969,000)) |
| | | 337,957,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$2,012,000 shall be spent to expand upper-division and graduate off-campus course offerings.

(2) Washington State University shall continue funding three faculty positions associated with Tri-Cities diversification.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$1,237,000 is provided to enhance the institution's appropriation for equipment.

(5) \$300,000 is provided solely for implementing programs for gender equity in athletics.

(6) \$337,000 is provided solely for the instructional programs at the Tri-Cities branch campus.

Sec. 605. Section 605, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

| | | |
|----------------------------------|----|---------------------------|
| General Fund Appropriation | \$ | ((92,656,000)) |
| | | 92,747,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$516,000 is provided to enhance the institution's appropriation for equipment.

Sec. 606. Section 606, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

| | | |
|----------------------------------|----|---------------------------|
| General Fund Appropriation | \$ | ((78,366,000)) |
| | | 78,109,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$599,000 shall be spent to provide upper-division courses in Yakima.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$316,000 is provided to enhance the institution's appropriation for equipment.

Sec. 607. Section 607, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ ~~((48,375,000))~~
49,006,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$377,000 is provided to enhance the institution's appropriation for equipment.

(4) \$315,000 is provided solely for the Washington state institute for public policy at The Evergreen State College for the purpose of beginning a research and evaluation effort to examine the effectiveness of sex offender and victims' programs, including treatment. The institute may allocate moneys to research projects to assist the research and evaluation. Decisions regarding the allocation of these moneys shall be made in consultation with an advisory panel. The advisory panel shall establish criteria to ensure that the funded projects meet the highest standards of methodological rigor and will be of value to state policy makers. In order to provide timely information to policy makers, a portion of the projects shall involve the design of longitudinal studies. The institute shall consider applicants from for-profit and non-profit organizations in addition to public universities and colleges in making awards under this subsection. The advisory panel shall consist of:

(a) Three academicians from state public and private universities, to be selected by the institute's board of directors;

(b) The secretary of corrections or his or her designee;

(c) One legislator appointed by the majority leader of the senate and one legislator appointed by the speaker of the house of representatives;

(d) A representative of crime victims, to be appointed by the governor; and

(e) The research director of the sentencing guidelines commission.

The institute shall submit a report to the appropriate fiscal and policy committees of the legislature by November 1, 1990, on its progress in beginning the research and evaluation effort.

(5) \$140,000 of the general fund—state appropriation is provided solely for the study "Special Sex Offender Sentencing Alternative: A Study of Recidivism and Community Attitudes" to be conducted through the Harborview Medical Center's special assault center and its subcontractors in satisfaction of the requirement in RCW 9.94A.124 to study the effectiveness of the special sexual sentencing standard.

Sec. 608. Section 608, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((102,936,000))~~
102,764,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$805,000 is provided to enhance the institution's appropriation for equipment.

Sec. 609. Section 610, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State \$ ~~((56,248,000))~~
66,494,000
General Fund Appropriation—Federal \$ 4,152,000
State Educational Grant Account Appropriation \$ 40,000

Total Appropriation \$ ~~(62,440,000)~~
70,686,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$53,943,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:

(a) At least \$18,100,000 shall be expended for work study grants;

(b) \$31,609,000 of the general fund—state appropriation is provided solely for the state need grant program. The need grant award to any individual shall not exceed the amount received by a student attending a state research university;

(c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses;

(d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers;

(e) \$500,000 is provided solely for the educational opportunity grant program; and

(f) \$100,000 is provided solely for a community scholarship program demonstration project to make matching awards of \$2,000 to community scholarship foundations that:

(i) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;

(ii) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and

(iii) Have not previously received a matching award from the amount provided in this subsection (1)(f).

(2) \$4,250,000 of the general fund—state appropriation is provided solely for the Washington distinguished professorship trust account.

(a) For the biennium ending June 30, 1991, the amount provided in this subsection shall be allocated as provided in this subsection (2)(a). The state treasurer shall reserve the following sums in the trust account for distribution to four-year higher education institutions at such time as qualifying gifts for distinguished professorships have been deposited:

(i) \$2,000,000 for the University of Washington;

(ii) \$1,250,000 for Washington State University; and

(iii) \$1,000,000 divided among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College. An institution of higher education is not eligible for any funds under this subsection (a)(iii) until the institution has requested designation of the funds guaranteed to the institution under section 4, chapter 125, Laws of 1988.

(b) As of June 30, 1991, if any moneys reserved in subsections (2)(a) (i), (ii), or (iii) of this section have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the professorships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(3) \$3,000,000 of the general fund—state appropriation is provided solely for the Washington graduate fellowship trust account.

(a) For the biennium ending June 30, 1991, all appropriations to the Washington graduate fellowship trust account shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust account for distribution to four-year higher education institutions at the time qualifying gifts for graduate fellows have been deposited:

(i) Sixty percent of the appropriation for the University of Washington;

(ii) Thirty percent of the appropriation for Washington State University;

(iii) Ten percent of the appropriation divided equally among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College.

(b) As of May 1, 1991, if any funds reserved in subsection (8)(a) (i), (ii), or (iii) of this section have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the graduate student fellowships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(4) \$321,000 of the general fund—state appropriation is provided solely for the summer motivation and academic residential training demonstration project. This demonstration project shall include an analysis of the subsequent high school performance of former participants, including their grades, attendance, and graduation rates.

(5) \$50,000 of the general fund—state appropriation is provided solely for the development of a state plan for nursing education, as described in section 713, chapter 9, Laws of 1989 1st ex. sess. (uncodified).

(6) \$50,000 of the general fund—state appropriation is provided solely for a study of the upper division baccalaureate educational needs of place-bound students living in areas of the state not currently served by existing postsecondary institutions or branches. The study shall include recommendations on how the needs should be addressed, and which institutions should be responsible for serving specific areas.

(7) \$500,000 of the general fund—state appropriation is provided solely for deposit into the American Indian endowed scholarship trust fund, pursuant to Second Substitute House Bill No. 2831. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(8) The higher education coordinating board shall include in its tuition and financial aid recommendations for 1991, recommendations regarding tuition waiver and fee reduction programs. The recommendations shall give special consideration to maximizing the amount of waivers that are granted on the basis of financial need.

NEW SECTION. Sec. 610. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

The sum of \$50,000, or as much thereof as may be necessary, is appropriated from the state general fund to the higher education coordinating board for the biennium ending June 30, 1991, solely for the establishment of a Washington state writing demonstration project to be administered by the board or its designee. Under the project, proposals shall be competitively selected which enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools.

NEW SECTION. Sec. 611. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

1991 Applied Technology Reserve Account \$ 1,500,000

This appropriation is provided solely for fiscal year 1991 and is subject to the following conditions and limitations:

(1) By April 15, 1990, the Washington institute of applied technology shall complete a specific plan leading to an application by September 1, 1990, for accreditation to the superintendent of public instruction and the National Association of Trade and Technical Schools, and shall review the plan with representatives from both of these organizations.

(2) By April 15, 1990, the institute's board of directors shall adopt an updated mission statement.

(3) By June 15, 1990, all of the institute's instructors shall be certified by either the superintendent of public instruction or the state board for community college education.

(4) By June 15, 1990, the institute shall publish a catalog describing its mission, services, programs, and courses.

(5) On September 15, 1990, and on January 15, 1991, the institute shall report to the state board for vocational education on the status of each of the requirements contained in subsections (1) through (4) of this section. The reports shall also describe the status of implementing recommendations contained in the January 1990 study of the institute prepared by the state board for vocational education.

Sec. 612. Section 614, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE LIBRARY

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | ((11,013,000)) |
| | | <u>12,504,000</u> |
| General Fund Appropriation—Federal | \$ | 4,620,000 |
| General Fund Appropriation—Private/Local | \$ | 112,000 |
| Western Library Network Computer System Revolving Fund Approp- riation—Private/Local | \$ | 14,073,000 |
| Total Appropriation | \$ | ((29,816,000)) |
| | | <u>31,309,000</u> |

The appropriations in this section are subject to the following conditions and limitations: \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

Sec. 613. Section 618, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

| | | |
|---|----|------------------------|
| General Fund Appropriation | \$ | ((873,000)) |
| | | <u>973,000</u> |
| State Capitol Historical Association Museum Account Appropriation | \$ | 119,000 |
| Total Appropriation | \$ | ((992,000)) |
| | | <u>1,092,000</u> |

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund appropriation is provided solely for the continuation of a technical assistance program for local heritage organizations.

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

| | | |
|--|----|---|
| General Fund Appropriation for fire insurance premiums tax distribution | \$ | ((5,239,000)) 4,300,000 |
| General Fund Appropriation for public utility district excise tax distribution | \$ | ((22,854,000)) 23,700,000 |
| General Fund Appropriation for prosecuting attorneys' salaries | \$ | 2,277,000 |
| General Fund Appropriation for motor vehicle excise tax distribution | \$ | ((68,719,000)) 70,000,000 |
| General Fund Appropriation for local mass transit assistance | \$ | ((208,213,000)) 215,000,000 |
| General Fund Appropriation for camper and travel trailer excise tax distribution | \$ | ((2,600,000)) 2,200,000 |
| <u>General Fund Appropriation for boating safety/education and law enforcement distribution</u> | \$ | <u>1,100,000</u> |
| Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution | \$ | ((80,000)) 90,000 |
| Liquor Excise Tax Fund Appropriation for liquor excise tax distribution | \$ | ((18,667,000)) 19,900,000 |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution | \$ | 290,025,000 |
| Liquor Revolving Fund Appropriation for liquor profits distribution | \$ | ((41,250,000)) 48,750,000 |
| Timber Tax Distribution Account Appropriation for distribution to "Timber" counties | \$ | ((57,544,000)) 96,200,000 |
| Municipal Sales and Use Tax Equalization Account Appropriation | \$ | ((37,092,000)) 37,200,000 |
| County Sales and Use Tax Equalization Account Appropriation | \$ | ((12,695,000)) 15,500,000 |
| <u>\$2,700,000 of this appropriation is provided solely for increased sales tax equalization payments to counties pursuant to Substitute House Bill No. 2833 (local criminal justice revenue). If the bill is not enacted by June 30, 1990, this amount shall lapse.</u> | | |
| Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies | \$ | ((636,000)) 736,000 |
| <u>Municipal Targeted Fiscal Assistance Account Appropriation</u> | \$ | <u>1,600,000</u> |
| <u>This appropriation is provided solely for municipal targeted fiscal assistance pursuant to Substitute House Bill No. 2833 (local criminal justice revenue). If this bill is not enacted by June 30, 1990, this appropriation shall lapse.</u> | | |
| Total Appropriation | \$ | ((767,801,000)) 850,753,000 |

Sec. 702. Section 702, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

| | | |
|---|----|--|
| Forest Reserve Fund Appropriation for federal forest reserve fund distribution | \$ | ((70,000,000)) 100,000,000 |
| General Fund Appropriation for federal flood control funds distribution | \$ | 70,000 |
| General Fund Appropriation for federal grazing fees distribution | \$ | 50,000 |
| ((Geothermal Account Appropriation—Federal | \$ | 20,000)) |
| General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 | \$ | 720,000 |
| Total Appropriation | \$ | ((70,000,000)) 100,840,000 |

NEW SECTION. Sec. 703. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE GOVERNOR—SELF-INSURANCE FUND PREMIUMS

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 5,229,000 |
| Agency Self-Insurance Liability Premium Revolving Fund Appropriation | \$ | 4,271,000 |
| Total Appropriation | \$ | 9,500,000 |

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of self-insurance fund premiums from special funds, the state treasurer is

directed to transfer sufficient moneys from each special fund to the agency self-insurance liability premium revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay self-insurance fund premiums due.

NEW SECTION. Sec. 704. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE GOVERNOR—FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

| | | |
|--|----|------------|
| General Fund Appropriation | \$ | 9,390,923 |
| Motor Vehicle Fund Appropriation | \$ | 3,963,233 |
| Wildlife Fund—State Appropriation | \$ | 242,408 |
| Accident Fund Appropriation | \$ | 348,307 |
| Horse Racing Fund Appropriation | \$ | 224,972 |
| Liquor Revolving Fund Appropriation | \$ | 104,459 |
| Resource Management Cost Account Appropriation | \$ | 81,931 |
| Total Appropriation | \$ | 14,356,233 |

Sec. 705. Section 712, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 1,140,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

| | | |
|---|----|---------------|
| Medical Disciplinary Account | \$ | 520 |
| Institutional Impact Account | \$ | ((26,153)) |
| | | <u>28,188</u> |
| ORV (Off-Road-Vehicle) Account | \$ | 23 |
| Hospital Commission Account | \$ | 15,224 |
| Centennial Commission Account | \$ | 940 |
| Public Safety and Education Account | \$ | 1151 |
| Health Professions Account | \$ | ((734)) |
| | | <u>679</u> |
| Forest Development Account | \$ | 6,122 |
| Real Estate Commission Account | \$ | 1,614 |
| Reclamation Revolving Account | \$ | ((103)) |
| | | <u>207</u> |
| Landowner Contingency Forest Fire Suppression Account | \$ | 600 |
| Capitol Building Construction Account | \$ | 40,251 |
| Resource Management Cost Account | \$ | 9,295 |
| Litter Control Account | \$ | 34,305 |
| State Building Construction Account | \$ | 35 |
| Outdoor Recreation Account | \$ | 1,958 |
| Local Governance Study Commission Account | \$ | 42 |
| Grade Crossing Protective Fund | \$ | 1,029 |
| State Patrol Highway Account | \$ | 25,745 |
| Motorcycle Safety Education Fund | \$ | 266 |
| Fire Service Training Account | \$ | 447 |
| Seed Fund | \$ | 3,023 |
| Electrical License Fund | \$ | 724 |
| State Wildlife Fund | \$ | ((20,500)) |
| | | <u>22,400</u> |
| Highway Safety Fund | \$ | 7,774 |
| Motor Vehicle Fund | \$ | ((14,046)) |
| | | <u>13,733</u> |
| Puget Sound Ferry Operations Account | \$ | 12 |
| Public Service Revolving Fund | \$ | ((6,042)) |
| | | <u>6,104</u> |
| Insurance Commissioner's Regulatory Account | \$ | 1,910 |
| State Treasurer's Service Fund | \$ | 1,053 |
| Legal Services Revolving Fund | \$ | 2,557 |
| Municipal Revolving Fund | \$ | 5,671 |
| Department of Personnel Service Fund | \$ | ((6,472)) |
| | | <u>7,120</u> |
| State Auditing Services Revolving Fund | \$ | 1,240 |
| Liquor Revolving Fund | \$ | 15,445 |
| Department of Retirement Systems Expense Fund | \$ | 2,982 |

| | | |
|--|----|--------|
| Accident Fund | \$ | 62,964 |
| Medical Aid Fund | \$ | 57,948 |
| Western Library Network Computer System Revolving Fund | \$ | 460 |
| Pressure Systems Safety Fund | \$ | 32 |

NEW SECTION. Sec. 706. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

- (1) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:
 - (a) John Clees, Carlton, Washington
 - (b) Harold Weber, Grand Coulee, Washington
 - (c) James Fleishman, Chinook, Washington
- (2) Juanita Mullen, Lori O'Grady, Lawra C. Hill-Hodges, and Sandra Colvin, in settlement of all claims per order of Thurston County Superior Court, Cause No. 87-2-02413-7, provided that \$434,382.00 is from federal funds
- (3) Office of Thurston County Prosecutor, in settlement of all claims for expenses incurred under the institutional impact program
- (4) R. Frederickson, in settlement of all claims per order of Seattle Municipal court, Cause No. 88-183-0175, pursuant to RCW 9A.16-110, including interest
- (5) Mervin Ledford, in settlement of all claims per order of Snohomish County Superior Court, Cause No. 87-1-01087-7, pursuant to RCW 9A.16.110, including interest
- (6) M. Bartholomew, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest
- (7) Rober Hurtado, in settlement of all claims per order of Douglas County Superior Court, Cause No. 89-1-00014-1, pursuant to RCW 9A.16.110, including interest
- (8) Robert Carey, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest
- (9) Tom Peters, in settlement of all claims per order of Longview Municipal Court, Cause No. 51656, pursuant to RCW, 9A.16.110, including interest
- (10) Maurilio Martinez, in settlement of all claims per Yakima County Superior Court, Cause No. 89-1-00515-3, pursuant to RCW 9A.16-110, including interest
- (11) Jacques Gauron, in settlement of all claims per Renton District Court, King County, Cause No. J022378, pursuant to RCW 9A.16-110, including interest
- (12) Robert Joswick, in settlement of all claims per Buckley District Court, Pierce County, Cause No. 77334, pursuant to RCW 9A.16-110, including interest

Sec. 707. Section 708, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) Any loan from the governor's emergency fund to a city incorporated within three years of the date of the loan shall be forgiven.

Sec. 708. Section 714, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

| | | |
|--|----|-------------------------|
| General Fund Appropriation—State | \$ | (65,000,000) |
| | | 76,130,000 |
| General Fund Appropriation—Federal | \$ | (20,015,000) |
| | | 24,182,000 |

| | | |
|---|----|-----------------|
| Special Fund Salary and Insurance Contribution | | |
| Increase Revolving Fund Appropriation | \$ | ((47,636,000)) |
| | | 64,577,000 |
| Wildlife Fund Appropriation—State | \$ | 1,285,000 |
| Insurance Commissioner's Regulatory Account Appropriation | \$ | 215,000 |
| Total Appropriation | \$ | ((132,733,000)) |
| | | 166,389,000 |

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$40,060,000 of the general fund—state appropriation, \$13,311,000 of the general fund—federal appropriation, and \$31,888,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board (SPB), and commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989-91 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee for fiscal year 1990, and \$246.24 for fiscal year 1991.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$16.21 per eligible employee for fiscal year 1990, and \$9.83 for fiscal year 1991.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989-91 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(4) \$285,000 of the general fund—state appropriation and \$1,285,000 of the wildlife fund—state appropriation are provided solely to fund personnel reclassifications for biologists, enforcement personnel, and program managers in the department of wildlife. Expenditure of \$48,000 from the general fund—state appropriation and \$104,000 from the wildlife fund—state appropriation is contingent on state personnel board approval of the program manager reclassification.

(5) \$481,000 of the general fund—state appropriation is provided solely to fund personnel reclassifications for biologists and related job classes in the department of fisheries. Expenditure of these amounts is contingent on personnel board approval of these reclassifications.

(6) \$5,000,000 of the general fund—state appropriation and \$9,450,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for salary increases effective January 1, 1991, for classified personnel under the state personnel board and under the higher education personnel board.

The amounts provided shall be used for increases for those employees furthest from prevailing rate as determined by the 1988 trend salary survey findings. Increases may be granted only in whole-range increments. To implement these increases, those employees furthest from prevailing rate shall be given a one-range increase. This process shall be repeated until this appropriation is expended or all employee salaries are moved to within twenty percent of prevailing rate, whichever comes first.

The findings of the 1988 salary survey (catch-up plus keep-up), expressed as the number of ranges behind prevailing rate, shall be used to determine which employees are furthest from prevailing rate. In determining salary increases under this subsection, the number of ranges behind prevailing rate shall be the same as the survey findings as originally adopted by the state personnel board and higher education personnel board, unless a job reclassification has been approved subsequent to June 1, 1988. If a reclassification has been approved, the number of ranges behind prevailing rate shall be adjusted based on the change resulting from the reclassification.

Calculations for determining the increases granted in this subsection shall be made subsequent to the calculations for the general salary increases granted in subsection (1) of this section. The general salary increases granted in subsection (1) of this section, and on January 1, 1989, shall not be considered to have reduced the number of ranges between employee salaries and prevailing rate as shown in the findings of the 1988 survey.

In no case may this appropriation be used to close the salary gap to less than twenty percent of prevailing rate. None of these funds may be used to grant salary increases to the attendant counselor job classifications granted salary increases under subsection (8) of this section.

(7) \$2,136,000 of the general fund—state appropriation, \$568,000 of the general fund—federal appropriation, and \$10,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely to implement a new salary range schedule for nurses that provides annual increments for the first ten years of experience, with additional increments at fifteen and twenty years. Expenditure of these amounts is contingent on approval by the state personnel board of the new salary range schedule. These amounts shall be allocated as follows:

(a) \$80,000 from the general fund—state appropriation to the department of corrections;

(b) \$25,000 from the general fund—state appropriation to the department of health;

(c) \$10,000 from the general fund—state appropriation, \$10,000 from the general fund—federal appropriation, and \$10,000 from the special fund salary and insurance contribution increase revolving fund appropriation to the department of veterans' affairs;

(d) \$314,000 from the general fund—state appropriation and \$369,000 from the general fund—federal appropriation to the department of social and health services, division of developmental disabilities;

(e) \$1,458,000 from the general fund—state appropriation and \$41,000 from the general fund—federal appropriation to the department of social and health services, division of mental health;

(f) \$148,000 from the general fund—state appropriation and \$148,000 from the general fund—federal appropriation to the department of social and health services, long-term care program; and

(g) \$101,000 from the general fund—state appropriation to the department of social and health services, division of juvenile rehabilitation.

(8) \$3,093,000 of the general fund—state appropriation and \$3,599,000 of the general fund—federal appropriation are provided solely for salary increases for attendant care counselors in the developmental disabilities program. These increases shall be implemented in two phases of the following amounts: Phase one—\$1,816,000 general fund—state and \$2,101,000 general fund—federal; and phase two—\$1,277,000 general fund—state and \$1,498,000 general fund—federal.

(9) \$215,000 of the insurance commissioner's regulatory account appropriation is provided solely to fund personnel reclassifications for compliance officers, analysts, and actuaries in the office of the insurance commissioner.

(10) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

((6)) (11) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

((6)) (12) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

((7) ~~Moneys from the~~) (13) \$4,470,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers in accordance with the 1989-91 transportation appropriations act.

Sec. 709. Section 715, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

| | FY 1990 | FY 1991 |
|--------------------------------------|---------------|------------------|
| General Fund Appropriation | \$ 63,000,000 | ((62,167,000)) |
| | | <u>3,300,000</u> |

Total Appropriation \$~~((125,167,000))~~
66,300,000

~~((The appropriation in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse:))~~

(2) There is appropriated for contributions to the judicial retirement system:

| | FY 1990 | FY 1991 |
|----------------------------------|-----------------------------|--------------------------|
| General Fund Appropriation | \$ ((1,100,000)) | ((1,100,000)) |
| | 2,400,000 | 2,592,000 |
| Total Appropriation | \$ ((2,200,000)) | 4,992,000 |

The appropriation in this subsection is subject to the following conditions and limitations: \$92,000 is provided solely for implementation of Engrossed House Bill No. 2763. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(3) There is appropriated for contributions to the judges retirement system:

| | FY 1990 | FY 1991 |
|----------------------------------|------------|---------|
| General Fund Appropriation | \$ 250,000 | 250,000 |
| Total Appropriation | \$500,000 | |

~~((If Substitute Senate Bill No. 5418 is enacted by June 30, 1989:))~~ The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. ~~((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989:))~~

~~((If Substitute Senate Bill No. 5418 is enacted by June 30, 1989:))~~ The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. ~~((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989:))~~

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation ~~((for the 1989-91 biennium))~~ beginning July 1, 1989, and 21.47% of compensation beginning September 1, 1990.

Sec. 710. Section 716, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

| | FY 1990 | FY 1991 |
|---|------------------------------|---------------------------------------|
| General Fund—State Appropriation | \$ 2,334,000 | ((9,203,000)) 9,313,000 |
| General Fund—Federal Appropriation | \$ 480,000 | 2,012,000 |
| State Patrol Highway Account | \$ | 448,000 |
| <hr/> | | |
| Retirement Contribution Increase Revolving Fund | | |
| Appropriation | \$ 1,954,000 | 9,494,000 |
| Total Appropriation | \$ ((25,557,000)) | 26,035,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$231,000 of the general fund—state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute House Bill No. 1322. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse:))~~

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute Senate Bill No. 5418. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse:))~~

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(6) \$30,000 of the general fund—state appropriation, and \$448,000 of the state patrol highway account appropriation, or as much thereof as may be necessary, shall be distributed to state agencies for increased contributions to the Washington state patrol retirement system under chapter 273, Laws of 1989.

Sec. 711, Section 718, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

| | |
|--|---|
| ((General Fund Appropriation: For transfer to the Institutional Impact Account | \$ 332,536) |
| <u>General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u> | <u>\$ 797,000</u> |
| <u>Liquor Revolving Account Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u> | <u>\$ 160,000</u> |
| General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned | \$ 10,000,000 |
| General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account | \$ 15,378,000 |
| Data Processing Revolving Account: For transfer to the General Fund | \$ 2,400,000 |
| Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund | \$ ((3,110,000)) <u>2,400,000</u> |
| Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991 | \$ 1,353,000 |
| Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991 | \$ 14,000,000 |
| Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account | \$ 15,000,000 |
| <u>Resource Management Cost Account: For transfer to the Agricultural College Permanent Account, the Normal School Permanent Account, and the University of Washington Bond Retirement Account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources</u> | <u>\$ 20,000,000</u> |
| Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit | \$ 15,800,000 |
| Building Code Council Account Appropriation: For transfer to the general fund | \$ 210,000 |
| General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. ((If the bill is not enacted by June 30, 1989, this appropriation shall lapse.)) | \$ ((62,167,000)) <u>60,267,000</u> |
| Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account | \$ ((364,000)) <u>2,832,000</u> |

PART VIII
MISCELLANEOUS

NEW SECTION, Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending sections 101, 102, 105, 108, 111, 112, 113, 114, 115, 116, 117, 120, 122, 125, 130, 131, 132, 137, 138, 139, 140, 144, 146, 147, 123, 202, 203, 204, 205, 206, 208, 210, 211, 213, 214, 216, 217, 218, 220, 221, 224, 225, 227, 228, 231, 233, 301, 304, 306, 308, 309, 313, 314, 315, 316, 317, 318, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 513, 515, 516, 517, 518, 520, 521, 522, 601, 602, 603, 604, 605, 606, 607, 608, 610, 614, 618, 701, 702, 712, 708, 714, 715, and 716 of chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 14, chapter 10, Laws of 1989 1st ex. sess. (uncodified); amending section 402, chapter 271, Laws of 1989 (uncodified); amending section 407, chapter 271, Laws of 1989 (uncodified); amending section 409, chapter 271, Laws of 1989 (uncodified); amending section 414, chapter 271, Laws of 1989 (uncodified); amending section 419, chapter 271, Laws of 1989 (uncodified); amending section 19, chapter 383, Laws of 1989 (uncodified); and amending section 402, chapter 271, Laws of 1989 (uncodified); adding new sections to chapter 19, Laws of 1989 1st ex. sess. (uncodified); repealing section 236, chapter 19, Laws of 1989 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6407 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute Senate Bill No. 6407 and the House amendments thereto: Senators McDonald, Gaspard and Cantu.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6639 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this act is to provide a mechanism for the acquisition and maintenance of conservation areas through an orderly process that is approved by the voters of a county. The authorities provided in this act are supplemental, and shall not be construed to limit otherwise existing authorities.

NEW SECTION. Sec. 2. A new section is added to chapter 36.32 RCW to read as follows:

The legislative authority of each county may acquire a fee simple interest, or lesser interest, in conservation areas in the county and may maintain the conservation areas. The conservation areas may be acquired and maintained with moneys obtained from the excise tax under section 3 of this act, or any other moneys available for such purposes.

As used in this section, the term "conservation area" means land and water that has environmental, agricultural, aesthetic, cultural, scientific, historic, scenic, or low-intensity recreational value for existing and future generations, and includes, but is not limited to, open spaces, wetlands, marshes, aquifer recharge areas, shoreline areas, natural areas, and other lands and waters that are important to preserve flora and fauna.

NEW SECTION. Sec. 3. A new section is added to chapter 82.46 RCW to read as follows:

(1) Subject to subsection (2) of this section, the legislative authority of any county may impose an additional excise tax on each sale of real property in the county at a rate not to exceed one-half of one percent of the selling price. The proceeds of the tax shall be used exclusively for the acquisition and maintenance of conservation areas.

The taxes imposed under this subsection shall be imposed in the same manner and on the same occurrences, and are subject to the same conditions, as the taxes under chapter 82.45 RCW, except the tax does not apply to the acquisition of conservation areas by the county or state.

The county may enforce the obligation through an action of debt against the purchaser or may foreclose the lien on the property in the same manner prescribed for the foreclosure of mortgages.

The tax shall take effect thirty days after the election at which the taxes are authorized.

(2) No tax may be imposed under subsection (1) of this section unless approved by a majority of the voters of the county voting thereon for a specified period and maximum rate after:

(a) The adoption of a resolution by the county legislative authority of the county proposing this action; or

(b) The filing of a petition proposing this action with the county auditor, which petition is signed by county voters at least equal in number to ten percent of the total number of voters in the county who voted at the last preceding general election.

The ballot proposition shall be submitted to the voters of the county at the next general election occurring at least sixty days after a petition is filed, or at any special election prior to this general election that has been called for such purpose by the county legislative authority.

(3) A plan for the expenditure of the excise tax proceeds shall be prepared by the county legislative authority at least sixty days before the election if the proposal is initiated by resolution of the county legislative authority, or within six months after the tax has been authorized by the voters if the proposal is initiated by petition. Prior to the adoption of this plan, the elected officials of cities located within the county shall be consulted and a public hearing shall be held to obtain public input. The proceeds of this excise tax must be expended in conformance with this plan.

(4) As used in this section, "conservation area" has the meaning given under section 2 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 82.46 RCW to read as follows:

(1) Subject to subsection (2) of this section, the legislative authority of a county may impose an additional excise tax on each sale of real property in the county at a rate not to exceed one-half of one percent of the selling price. The proceeds of the tax shall be used exclusively for the acquisition and maintenance of conservation areas that are critical habitat, natural areas, or urban wildlife habitat. As used in this section:

(a) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(b) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

(c) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

(d) "Conservation area" has the meaning given under section 2 of this act.

(2) The taxes imposed under this section shall be imposed in the same manner and on the same occurrences, and are subject to the same conditions, as the taxes under chapter 82.45 RCW.

Sec. 5. Section 14, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.040 are each amended to read as follows:

Any tax imposed under (~~RCW 82.46.040~~) this chapter and any interest or penalties thereon is a specific lien upon each piece of real property sold from the time of sale until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

Sec. 6. Section 15, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.050 are each amended to read as follows:

The taxes levied under (~~RCW 82.46.040~~) this chapter are the obligation of the seller and may be enforced through an action of debt against the seller or in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

Sec. 7. Section 16, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.060 are each amended to read as follows:

Any taxes imposed under (~~RCW 82.46.040~~) this chapter shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The treasurer shall act as agent for any city within the county imposing the tax. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed under (~~RCW 82.46.040~~) this chapter shall be evidence of the satisfaction of the lien imposed in RCW 82.46.040 and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the treasurer."

On page 1, line 2 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 82.46.040, 82.46.050, and 82.46.060; adding a new section to chapter 36.32 RCW; adding new sections to chapter 82.46 RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6639 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute Senate Bill No. 6639 and the House amendments thereto: Senators McDonald, McMullen and Hayner.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6904 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there exists in the state of Washington a critical need to examine, plan, and finance criminal justice activities. It is the policy of the state of Washington to encourage self-reliance by cities, towns, and counties in meeting their local government responsibilities. However, local criminal justice needs have accelerated to such an extent that many local governments cannot continue to meet the challenges of crime. It is the policy of the state of Washington to assist cities, towns, and counties in meeting these financial needs while promoting and encouraging local solutions, improved management, coordination, and planning of criminal justice activities.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the local justice assistance board created under this chapter.
- (2) "Local governments" means cities, towns, and counties.
- (3) "Criminal justice activities" means all activities including operational and capital expenditures of superior, district, and municipal courts, jails or corrections, law enforcement, indigent defense, prosecution, probation, and community service.
- (4) "Grants-in-aid" means moneys applied for by cities, towns, and counties and approved by the local justice assistance board based on criteria specified in this chapter.
- (5) "Formula financing" means moneys distributed by formula, to counties based on criteria and approved by the local justice assistance board.

NEW SECTION. Sec. 3. (1) The local justice assistance board is created, composed of seventeen members as follows:

- (a) The director of the department of community development or the director's designee;
 - (b) The director of financial management or the director's designee;
 - (c) The chief of the state patrol or the chief's designee;
 - (d) Four representatives of cities and towns, appointed by the governor from a list of at least eight persons nominated by the association of Washington cities;
 - (e) Four representatives of counties, appointed by the governor from a list of at least eight persons nominated by the Washington state association of counties;
 - (f) One representative of sheriffs and police chiefs, appointed by the governor from a list of at least two persons nominated by the Washington association of sheriffs and police chiefs;
 - (g) One representative of prosecutors, appointed by the governor from a list of at least two persons nominated by the Washington association of prosecutors;
 - (h) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives; and
 - (i) Two members of the senate, one from each of the two largest caucuses, appointed by the president of the senate.
- (2) If a legislator would be ineligible for appointment to the board as a voting member under the state Constitution, that legislator shall be a nonvoting member of the board during the period of such ineligibility.

(3) Legislative members of the board and persons who are board members by virtue of holding a state office shall serve until their successors are appointed and qualified. Members of the board appointed by the governor shall serve six-year terms. Vacancies on the board shall be filled by appointment by the original appointing authority under this section. The board shall elect a chairperson from among its members.

(4) Board members shall receive no compensation, but shall be reimbursed as provided in RCW 43.03.050, 43.03.060, and 44.04.120.

NEW SECTION. Sec. 4. The director of the department of community development shall provide administrative and staff support for the board.

NEW SECTION. Sec. 5. The board may:

(1) Accept from any state or federal agency, grants or other moneys for the planning or financing of criminal justice activities and enter into agreements with any such agency concerning grants or other moneys;

(2) Provide technical assistance to local governments, including (a) training and other services to assist them in planning, applying, and qualifying for funding for criminal justice activities; and (b) assistance to improve local management, coordination, and delivery of criminal justice services;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions that are not in conflict with this chapter;

(4) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter;

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION. Sec. 6. (1) The board shall adopt a formula financing methodology for funding county criminal justice activities. The formula is to be developed in a manner that provides resources to those counties most affected by extraordinary crime trends, and that encourages management efficiencies. In developing the formula, the board shall consider appropriate criteria that may include, but are not limited to:

(a) Reported crime;

(b) Bookings, filings, trials, convictions, and commitments;

(c) Releases, parole, and probation;

(d) Costs of financing indigent defense;

(e) Population factors; and

(f) Measures of fiscal capacity, including per capita assessed valuation, per capita excise tax data, other tax base indicators, rates of taxation, and other relevant revenue information.

(2) The specific data elements and methodology for formula financing of criminal justice activities and the resulting distribution shall be presented to the fiscal committees of the legislature by September 1, 1990, and each September 1st thereafter. The board may revise the formula after consulting with the fiscal committees. The board shall distribute moneys under the formula as soon as practical, but not earlier than thirty days after submitting the formula to the fiscal committees.

NEW SECTION. Sec. 7. (1) The board shall develop a methodology to distribute grants-in-aid for local government criminal justice activities. The purpose of the grants-in-aid program is to provide ongoing assistance to reduce specific categories of crime that are causing significant effects on the local criminal justice system. The objective of all grant-in-aid awards shall be to achieve a reduction of a specific crime rate unless an applicant documents that a specific crime reduction target is not appropriate for the proposed strategy and proposes a substitute objective acceptable to the board.

(2) The board shall develop criteria for awarding grants with specific weightings given for projects that:

(a) Encourage management efficiencies, interlocal agreements, mutual assistance, or other agreements and policy coordination; and

(b) Provide resources to geographic areas with high incidence of crime or unusual problems with extraordinary crime.

(3) The board shall establish a policy as to the number of succeeding awards that may be made to a qualifying local government in order that specific crime reduction goals may be met in keeping with a strategy proposed by an applicant. The board shall establish policies that require local matching rates that may increase in succeeding award periods. The board may provide for exemptions from matching requirements for those jurisdictions that it determines are economically distressed for the purposes of chapter 82.60 RCW.

NEW SECTION. Sec. 8. (1) The board shall develop a methodology and process for distributing emergency grants-in-aid for local government criminal justice activities. The board shall identify drug crime impact areas for the purpose of expedited awards of moneys in order to meet the current crisis that is threatening public safety and the credibility of the local government criminal justice system. "Drug crime impact areas" means those local governments that are experiencing recent significant increases in criminal justice costs and activities related to

drug crimes. If any awards for jail construction are awarded under this section, the conditions in section 13 (1) and (2) of this act shall apply.

(2) The board shall award these emergency grants-in-aid no later than August 1, 1990. Any portion of the amounts appropriated for this purpose not awarded by August 1, 1990, shall be transferred by the board to the grants-in-aid program under section 7 of this act. Matching requirements shall not be required by the board for receipt of moneys under this section. Grants under this section shall not be made after August 1, 1990.

NEW SECTION. Sec. 9. The board shall keep proper records of accounts and shall be subject to audit by the state auditor. The board may request information of the state auditor as to audits of local governments receiving any moneys under this chapter.

NEW SECTION. Sec. 10. (1) On or before January 1st of each year, the board shall prepare a report on the status of criminal justice in the state of Washington. Such report may include policy recommendations to the legislature for dealing with criminal justice issues and problems.

(2) The board may conduct studies and research into criminal policies and practices as identified by the board. In conducting studies and research, the board may request assistance from the office of financial management, department of corrections, state patrol, sentencing guidelines commission, or other appropriate state, local, or federal agency or private source.

(3) The board may develop a library of materials on trends and techniques in dealing with local government criminal justice problems and issues that may be used by interested parties.

NEW SECTION. Sec. 11. (1) The criminal justice assistance account is hereby created in the state treasury. Except for unanticipated receipts under chapter 43.79 RCW, moneys in the account may be spent only after appropriation by statute. Expenditures from the account may be used only for the purposes of sections 6 through 8 of this act.

(2) On July 1, 1990, the state treasurer shall transfer twenty million dollars from the general fund to the criminal justice assistance account. On July 1, 1991, and each July 1st thereafter, the state treasurer shall transfer from the general fund to the criminal justice assistance account an amount equal to fifteen million dollars multiplied by a fraction. The numerator of the fraction is estimated state personal income for the fiscal year beginning on the date of the transfer. The denominator of the fraction is estimated state personal income for the fiscal year beginning July 1, 1990. State personal income estimates from the most recent official forecast under RCW 82.01.120 shall be used for purposes of this section. Once a transfer is made under this section, the amount of that transfer shall not be recalculated based on subsequent revisions of state personal income estimates.

NEW SECTION. Sec. 12. (1) Ten million dollars, or as much thereof as may be necessary, is appropriated from the criminal justice assistance account to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of distributions under section 6 of this act.

(2) Five million dollars, or as much thereof as may be necessary, is appropriated from the criminal justice assistance account to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of distributions under section 7 of this act.

(3) Five million dollars, or as much thereof as may be necessary, is appropriated from the criminal justice assistance account to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of distributions under section 8 of this act.

(4) Two hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of administering sections 1 through 11 of this act.

NEW SECTION. Sec. 13. The sum of fourteen million four hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the state building and construction account to the local justice assistance board for the biennium ending June 30, 1991, for the purpose of providing grants to local governments for construction and expansion of jail facilities. The appropriation in this section is subject to the following conditions and limitations:

(1) Before receiving a grant, an applicant shall demonstrate an ability to complete the construction or expansion of the jail facility:

(2) The grants shall not exceed an amount equivalent to sixty-six percent of the cost per bed, up to a maximum of twelve thousand dollars per bed, created or added to a jail facility;

(3) The office of financial management shall develop eligibility criteria for grants. The intent of the criteria is to award grants based on highest need. The criteria shall include, among other things determined by the office, a requirement for a jail management plan to reduce the local jail inmate population;

(4) The office of financial management may create a local advisory committee to develop the criteria for selection of projects for funding under this section. The advisory committee shall consist of representatives of law enforcement, jail administrators, prosecutors, judges, the department of corrections, the office of financial management, and other officials as deemed appropriate by the office.

Sec. 14. Section 21, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 82, chapter 57, Laws of 1985 and RCW 82.14.200 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.150(2). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150. (~~as now or hereafter amended~~;) the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150. (~~as now or hereafter amended~~;) the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150. (~~as now or hereafter amended~~;) the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) (~~Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties~~) Subsequent to distributions under subsection (5) of this section and at such times as distributions are made under RCW 82.44.150, the department of

revenue shall apportion and the state treasurer shall distribute to each fourth through ninth class county a fifth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be one hundred thousand dollars or an amount that when added to the distribution under subsection (2) of this section and the previous year's distribution under RCW 82.14.030(1) equals three hundred seventy-five thousand dollars, whichever is greater.

(7) Beginning on January 1, 1992, and each January 1st thereafter, the one hundred thousand dollars and three hundred seventy-five thousand dollars in subsection (6) of this section shall be adjusted by the same percentage calculated under subsection (2) of this section.

~~((7))~~ (8) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through ~~((5))~~ (6) of this section, then the distributions under subsections (3) through ~~((5))~~ (6) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through ~~((5))~~ (6) of this section to the counties.

~~((8))~~ (9) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through ~~((5))~~ (6) of this section, then the additional revenues shall be credited and transferred to the state general fund.

~~((9))~~ (10) All earnings of investments of balances in the county sales and use tax equalization account shall be credited to the general fund.

Sec. 15. Section 22, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 83, chapter 57, Laws of 1985 and RCW 82.14.210 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.150(3)(b). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.150(3)(a) multiplied by thirty-five sixty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (5) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (5) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3) or (4) of this section, then the distributions under subsection (3) or (4) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3) and (4) of this section to the cities.

(6) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (4) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(7) The municipal targeted fiscal assistance account is created in the state treasury. Into this account shall be placed such revenues as are provided under RCW 82.44.150(2)(b).

(8) Prior to January 1, 1991, and each January 1st thereafter, the department of revenue shall determine which cities and towns will receive distributions from the municipal targeted fiscal assistance account. Cities and towns shall be eligible to receive distributions from this account if the following conditions are met:

(a) They are receiving a distribution under subsection (3) of this section; and

(b) They have a per capita assessed valuation of property that is at or below seventy percent of the state-wide average per capita assessed valuation of property for all cities.

(9) Beginning January 1, 1991, and each January 1st thereafter, at the same time as distributions are made under RCW 82.44.150, the department of revenue shall apportion and the state treasurer shall distribute to each city and town eligible under subsection (8) of this section an amount which when added to the per capita level of revenues received from the distributions under RCW 82.14.030(1) the previous calendar year and from the current year's distributions under subsection (3) of this section equals seventy-five percent of the state-wide average per capita level of revenues for all cities and towns as determined under RCW 82.14.210(1). The minimum payment under this subsection shall be five hundred dollars in any calendar year. The maximum payment under this subsection shall be twenty-six thousand dollars in any calendar year.

(10) Subsequent to the distributions under subsection (9) of this section and at such times as distributions are made under RCW 82.44.150, the department of revenue shall apportion and the state treasurer shall distribute to each city and town imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate during the full previous calendar year and receiving a distribution under subsection (9) of this section a second distribution from the municipal targeted fiscal assistance account. The distribution to each qualifying city or town shall be equal to the distribution to the city or town under subsection (9) of this section. Cities imposing the tax for less than the full calendar year shall qualify for prorated allocation under this subsection proportionate to the number of months of the year during which the tax was imposed.

(11) If inadequate revenues exist in the municipal targeted fiscal assistance account to make the distributions under subsections (9) and (10) of this section, the distributions under subsection (10) of this section shall be ratably reduced to the qualifying cities and towns. If inadequate revenues still exist then the distributions under subsection (9) of this section shall be ratably reduced.

(12) If the level of revenues in the municipal targeted fiscal assistance account exceeds the amount necessary to make the distributions under this section, then the additional revenues shall be credited and transferred to the state general fund.

(13) For a city or town initially incorporated on or after January 1, 1983, at the time distributions are made under subsection (3) of this section, the state treasurer shall place into a separate designated account for such city or town a pro rata amount of the revenues received under RCW 82.44.150(3)(b) equal to the city's or town's population multiplied by the amount of equalization funds to which the city or town would be entitled if its per capita yield the previous calendar year were zero. Such account shall take effect on January 1st of the first full calendar year during which the city or town imposes the taxes authorized by RCW 82.14.030(1) and shall cease to exist on December 31st of that year.

~~((8) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.))~~

(14) At the time that sales and use tax distributions are made pursuant to RCW 82.14.060, the revenues in such designated account shall be added to the city's or town's sales and use tax distributions so as to provide to such city or town an amount which reflects what such jurisdiction's entitlement from the municipal sales and use tax equalization account would have been if the actual distributions of sales and use tax revenues to such city or town had been received the previous full calendar year. Any excess revenues remaining in such designated account upon its expiration shall be apportioned according to subsection (6) of this section. If the department of revenue determines during the year that any funds in the designated account are not necessary for the purposes of distribution under this subsection, the department may deposit those funds in the municipal sales and use tax equalization account to be apportioned according to subsection (6) of this section.

(15) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.

Sec. 16. Section 1, chapter 18, Laws of 1988 and RCW 82.44.150 are each amended to read as follows:

(1) The director of licensing shall on the twenty-fifth day of February, May, August, and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of licensing during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.020(6) and 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(6) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(6)(c):

(a) A sum equal to seventeen percent thereof shall be ~~((paid))~~ distributed to cities and towns ~~((in the proportions and for the purposes hereinafter set forth))~~ as provided in subsections (3) and (4) of this section:

(b) A sum equal to one-half of one percent shall be distributed to the municipal targeted fiscal assistance account created under RCW 82.14.210(7):

(c) A sum equal to ((two)) three percent thereof shall be ((allocable)) distributed to the county sales and use tax equalization account under RCW 82.14.200: and

(d) A sum equal to four and two-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax at a rate not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality shall be deposited in the rail development account established in RCW 47.78.010.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during

that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

Sec. 17. Section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 81, chapter 57, Laws of 1985 and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, metropolitan municipal corporations, and cities imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. All earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, metropolitan municipal corporations, and cities monthly.

Sec. 18. Section 7, chapter 94, Laws of 1970 ex. sess. as last amended by section 11, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.060 are each amended to read as follows:

~~(Bimonthly)~~ Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

NEW SECTION. Sec. 19. Sections 17 and 18 of this act shall not be effective for earnings on balances prior to July 1, 1990, regardless of when a distribution is made.

Sec. 20. Section 11, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.010 are each amended to read as follows:

~~(1) ((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.))~~ The governing body of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price.

~~(2) ((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess., in lieu of imposing the tax authorized in RCW 82.14.030(2).))~~ The governing body of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(3) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(4) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(5) As used in this section, "city" means any city or town.

NEW SECTION. Sec. 21. A new section is added to chapter 41.26 RCW to read as follows:

(1) For taxes levied for collection in 1991 through 2021 only, the legislative authority of any county may levy an annual property tax of three cents per thousand dollars of assessed valuation of the property in the taxing district for the purpose of paying for disability benefits under RCW 41.26.150 including, but not limited to, medical benefits, nursing home benefits, congregated care benefits, or any related health benefits.

(2) The receipts from the tax imposed under this section shall be distributed as follows:

(a) Each city or town located within the county that is obligated to pay disability benefits under RCW 41.26.150 shall receive a portion of these tax receipts equal to the total receipts for

the county under this section, multiplied by a fraction. The numerator of the fraction is the number of persons for whom the city or town is obligated to pay such benefits. The denominator of the fraction is the total number of persons eligible to receive such benefits in the county.

(b) The county shall retain the remainder of the receipts under this section.

(3) The receipts from tax under this section, and any interest earnings from these tax receipts, shall be used exclusively to pay for disability benefits under RCW 41.26.150.

(4) This section shall expire December 31, 2021.

Sec. 22. Section 134, chapter 195, Laws of 1973 1st ex. sess. as last amended by section 36, chapter 378, Laws of 1989 and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and ~~((thirty-seven and one-half))~~ sixty cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and fifty-five cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; ~~((and))~~ (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies for medical services and related health care as provided under section 21 of this act.

Sec. 23. Section 6, chapter 91, Laws of 1947 as last amended by section 2, chapter 319, Laws of 1987 and RCW 41.16.060 are each amended to read as follows:

It shall be the duty of the legislative authority of each municipality, each year ~~((as a part of its annual tax levy, to levy and place in))~~ to transfer into the fund ~~((a tax of))~~ an amount of money equal to twenty-two and one-half cents per thousand dollars of the municipality's assessed value (against all the taxable property of such municipality: PROVIDED: That)). However, if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of ~~((said dollar rate))~~ this amount of money is not necessary to maintain the actuarial soundness of the fund, the ~~((levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of said dollar rate may be levied and used for any other municipal purpose))~~ municipality need transfer to the fund only the amount that the actuary finds is necessary to maintain the actuarial soundness of the fund.

Further, it shall be the duty of the legislative authority of each municipality, each year ~~((as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.043, to levy and place in))~~ to transfer an additional amount of money into the fund ~~((an additional tax))~~ of up to an amount equal to twenty-two and one-half cents per thousand dollars of the municipality's assessed value ((against all taxable property of such municipality: PROVIDED: That)) if a report by a qualified actuary establishes that ~~((all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary))~~ such moneys are necessary to meet the estimated demands on the fund under this chapter for the ensuing budget year ~~((the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose: PROVIDED: FURTHER, That cities that have annexed to library districts according to RCW 27.12.360 through 27.12.395 and/or fire protection districts according to RCW 52.04.061 through 52.04.061 shall not levy this additional tax to the extent that it causes the combined levies to exceed the statutory or constitutional limits.~~

The amount of a levy under this section allocated to the pension fund may be reduced in the same proportion as the regular property tax levy of the municipality is reduced by chapter 84-55-RCW).

Sec. 24. Section 5, chapter 91, Laws of 1947 as last amended by section 3, chapter 296, Laws of 1986 and RCW 41.16.050 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments or donations given or paid thereto; (2) ~~((forty five percent of all moneys received))~~ contributions made by the state from taxes on fire insurance premiums; (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by firemen as provided for herein.

Forty-five percent of the moneys received by the state from the insurance premiums tax on fire insurance premiums ((under the provisions of this chapter)) shall be distributed to cities, towns, and fire protection districts in the proportion that the number of ((paid)) retired firemen and widows or widowers in the city, town or fire protection district bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of ((paid)) firemen ((in the fire department in)) and former firemen who are eligible for benefits under chapter 41.16 or 41.18 RCW from such city, town or fire protection district together with the number of their widows and widowers who are eligible for such pension benefits and the number of former pension system members whose interests are being distributed to children of such members. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town and fire protection district coming under the provisions of this chapter his warrant, payable to each city, town or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town or fire protection district.

Annually, on or before the first day of September, any money remaining in the firemen's pension fund of a city, town, or fire protection district, that was obtained from distributions of the state insurance premiums tax on fire insurance premiums, shall be transferred to the state treasurer if no persons are eligible for pension benefits under chapter 41.16 or 41.18 RCW. The money so transferred to the state treasurer shall be distributed to cities, towns, and fire protection districts by the state treasurer, in the same manner as fire insurance premium tax receipts are distributed, when the next distribution of such fire insurance premium tax receipts is made.

NEW SECTION, Sec. 25. A new section is added to chapter 41.16 RCW to read as follows:

On or before the first day of November of each year, each municipality that has a pension system created under this chapter shall provide to the state actuary such information as the state actuary needs to analyze the fiscal condition of the retirement system.

NEW SECTION, Sec. 26. A new section is added to chapter 41.18 RCW to read as follows:

On or before the first day of November of each even-numbered year, each municipality that has a pension system created under this chapter shall provide to the state actuary such available information, including actuarial reports, as the state actuary needs to review the fiscal condition of the retirement system.

NEW SECTION, Sec. 27. A new section is added to chapter 44.44 RCW to read as follows:

The state actuary shall submit a report to the legislature on or before the first day of January of each odd-numbered year reviewing the fiscal condition of the retirement systems reported under sections 25 and 26 of this act.

NEW SECTION, Sec. 28. A new section is added to Title 36 RCW to read as follows:

(1) The legislative authority of a county may impose a tax on employers in the unincorporated area of the county for the privilege of doing business. The following conditions shall apply:

(a) The tax shall be measured by the number of employees.

(b) The tax may be imposed by ordinance. The ordinance may provide exemptions for classes of employers, including but not limited to nonprofit organizations and government agencies.

(c) The tax shall not be measured by the gross receipts of the business.

(d) The tax shall not exceed five dollars per month per employee.

(e) Only one county can impose a tax in respect to each employee, regardless of the number of counties in which an employer does business. The department of revenue shall adopt rules for allocation of tax between counties under this section. No county may impose taxes in a manner inconsistent with department rules.

(2) Revenues derived from the imposition of the tax authorized under subsection (1) of this section may be used for any legal purpose.

Sec. 29. Section 1, chapter 342, Laws of 1989 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of seventy-eight dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an

answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional forty-eight dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of seventy-eight dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of (~~fifteen~~) twenty dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of (~~five~~) twenty dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury (~~of six~~) in a civil action, shall pay, at the time of (~~filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars~~) making the demand, an initial amount equal to one daily jury fee and an additional amount at the conclusion of the time the jury was required equal to the daily jury fee multiplied by the actual number of days required. The daily fee shall be sixty dollars for a jury of six and one hundred twenty dollars for a jury of twelve. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, (~~and~~) the additional (~~twenty-five dollar~~) fee (~~will be required of~~) shall be paid by the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect (~~two~~) twenty dollars.

(8) For copying an instrument on file or of record in the clerk's office, a fee of one dollar per page. For (~~preparing, transcribing or~~) certifying any instrument on file or of record in the clerk's office, with or without seal, (~~for the first page or portion thereof~~) a fee of (~~two~~) three dollars (~~and for each additional page or portion thereof, a fee of one dollar~~). For authenticating or exemplifying any instrument, a fee of (~~one~~) three dollars for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of (~~five~~) twenty dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of seventy-eight dollars; PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of seventy-eight dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of (~~two~~) three dollars.

(15) For the preparation of a passport application there shall be a fee (~~of four dollars~~) as provided by federal law.

(16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(17) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of seventy dollars.

(18) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972; PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(19) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(20) For filing a document with the court for a motion or motions in a civil action, a fee of ten dollars shall be charged.

NEW SECTION, Sec. 30. A new section is added to chapter 63.29 RCW to read as follows:

A local government holding abandoned intangible property that is not forwarded to the department of revenue, as authorized under RCW 63.29.170, shall not be required to maintain current records of this property for longer than five years after the property is presumed to be abandoned, and at that time may archive records of this intangible property and transfer the intangible property to its general fund. However, the local government shall remain liable to pay the intangible property to a person or entity subsequently establishing its ownership of this intangible property.

Sec. 31. Section 19, chapter 179, Laws of 1983 and RCW 63.29.190 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under RCW 63.29.170, within six months after the final date for filing the report as required by RCW 63.29.170, shall pay or deliver to the department all abandoned property required to be reported. Counties, cities, towns, and other municipal and quasi-municipal corporations which hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, excess proceeds from property tax and irrigation district foreclosures, and property tax overpayments or refunds, may retain such funds until the owner notifies them and establishes ownership.

(2) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the department, and the property will no longer be presumed abandoned. In that case, the holder shall file with the department a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(3) Property reported under RCW 63.29.170 for which the holder is not required to report the name of the apparent owner must be delivered to the department at the time of filing the report.

(4) The holder of an interest under RCW 63.29.100 shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the department. Upon delivery of a duplicate certificate to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with RCW 63.29.200 to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the department, for any losses or damages resulting to any person by the issuance and delivery to the department of the duplicate certificate.

NEW SECTION. Sec. 32. A new section is added to chapter 63.29 RCW to read as follows:

Any funds covered by RCW 63.29.190 that were received by the state prior to the effective date of this act shall be retained by the state of Washington, and any such funds not remitted to the state prior to the effective date of this act may be retained as provided for under RCW 63.29.190.

Sec. 33. Section 19, chapter 224, Laws of 1984 and RCW 46.16.216 are each amended to read as follows:

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations include only those violations for which notice has been received from local agencies by the department (~~one hundred fifty~~) ninety days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than (~~one hundred fifty~~) ninety days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, and parking violations, or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, and parking violations exist, presents proof of payment and pays a (~~ten~~) fifteen dollar surcharge.

(2) The (~~ten dollar~~) surcharge shall be allocated as follows:

(a) (~~Five~~) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations, at the time of renewal, a statement setting out the

dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

Sec. 34. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 5, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that ~~((three))~~ two or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

Sec. 35. Section 6, chapter 1, Laws of 1980 and RCW 43.135.060 are each amended to read as follows:

(1) (a) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the state. The amount of increased revenue that is received or could be received by a taxing district as a result of legislative enactments after 1979 shall be included as reimbursement under this section.

(b) Reimbursement is not required under this section in respect to:

(i) Changes in sentences or enforcement procedures for criminal justice activities relating to crimes established before, or substantially similar to crimes established before, July 1, 1990.

(ii) Changes relating to criminal justice activities that have historically been the responsibility of the taxing district.

(iii) Enactments that the legislature declares are exempt from this subsection as necessary for the preservation of the public peace, health, or safety.

(c) The legislature finds that adequate resources have been provided to all taxing districts and further reimbursement is thus not required for new programs and increased levels of service under existing programs required by the state through July 1, 1990.

~~(2) (That proportion of state tax revenue which consists of direct state appropriations to taxing districts taken as a group shall not be decreased below that proportion appropriated in the biennium immediately preceding January 1, 1986. PROVIDED, This proportion shall be decreased in any fiscal year only if: (a) The legislature decreases the state tax revenue limit for that fiscal year by an amount equal to the dollar amount of any decrease in direct state appropriations to taxing districts taken as a whole; or (b) the state tax revenue limit has been increased under RCW 43.135.056(3) or 43.135.060(3) and the decrease of the proportion is commensurate with the increase in the state tax revenue limit.~~

~~(3)) If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.~~

~~((4)) (3) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.~~

Sec. 36. Section 2, chapter 19, Laws of 1977 ex. sess. as last amended by section 16, chapter 125, Laws of 1984 and RCW 43.132.020 are each amended to read as follows:

(1) The director of financial management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other political subdivisions of the state. The office of financial management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a "fiscal note". Fiscal notes under this chapter shall be given the same priority as fiscal notes relating to state revenues and expenditures under chapter 43.88A RCW.

(2) Such fiscal notes shall indicate by fiscal year the total impact on the subdivisions involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other political subdivisions.

(3) A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A legislator also may request that such a fiscal note be revised to reflect the impact of proposed amendments or substitute bills. Fiscal notes shall be completed within seventy-two hours of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of financial management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of community development, the daily report shall also include the date and time such referral was made.

(4) A fiscal note as defined in this section shall be prepared for any bill, substitute bill, or amendment that substantially imposes responsibility for new programs or increased levels of service under existing programs on any unit of local government. A fiscal note under this subsection must be completed before the bill, substitute bill, or amendment becomes law.

NEW SECTION. Sec. 37. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 38. Sections 1 through 11 of this act shall expire December 31, 1995.

NEW SECTION. Sec. 39. The expiration of sections 1 through 11 and 21 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under that section or under any rule or order adopted under that section, nor as affecting any proceeding instituted under that section.

NEW SECTION. Sec. 40. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 41. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately except for sections 14 through 16 and 23 through 27 of this act, which shall take effect on January 1, 1991, and sections 33 and 34 of this act which shall take effect on July 1, 1990.

NEW SECTION, Sec. 42. Section 22 of this act shall be effective for taxes levied for collection in 1991 and thereafter."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 82.14.200, 82.14.210, 82.44.150, 82.14.050, 82.14.060, 82.46.010, 84.52.043, 41.16.060, 41.16.050, 36.18.020, 63.29.190, 46.16.216, 46.20.270, 43.135.060, and 43.132.020; adding a new chapter to Title 43 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new section to chapter 44.44 RCW; adding a new section to Title 36 RCW; adding new sections to chapter 63.29 RCW; creating new sections; making appropriations; providing an expiration date; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 6904 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Senate Bill No. 6904 and the House amendments thereto: Senators McCaslin, Fleming and Anderson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 4:17 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Monday, March 12, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 12, 1990

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Senate staff members, Tim Martin and Martin Flynn, presented the Colors.

MOTION

On motion of Senator Nelson, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

March 9, 1990

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6639. The Speaker has appointed the following members as conferees: Representatives Wang, Spanel and Youngsman.

ALAN THOMPSON, Chief Clerk

March 9, 1990

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6407. The Speaker has appointed the following members as conferees: Representatives Locke, Ebersole and Silver.

ALAN THOMPSON, Chief Clerk

March 9, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 6904. The Speaker has appointed the following members as conferees: Representatives Haugen, Braddock and Horn.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Comments to the Washington Condominium Act (Substitute Senate Bill No. 6776), which were prepared by the Washington State Condominium Task Force, will be included in the Senate Journal.

EDITOR'S NOTE: See Appendix A for the Comments which relate to the Washington Condominium Act.

MOTION

At 12:06 p.m., on motion of Senator Nelson, the Senate adjourned until 12:00 noon, Wednesday, March 14, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, March 14, 1990

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Chris Paulsen and Brian Ellison, presented the Colors.

MOTION

On motion of Senator Nelson, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 28, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Daniel A. DiGuilio, reappointed February 28, 1990, for a term ending November 2, 1992, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

February 28, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Bill Pine, appointed February 28, 1990, for a term ending November 2, 1992, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

February 28, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Marilee Roloff, appointed February 28, 1990, for a term ending November 2, 1992, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

February 28, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

James Roper, reappointed February 28, 1990, for a term ending November 2, 1992, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

February 28, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John Turner, appointed February 28, 1990, for a term ending November 2, 1992, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

FURTHER MESSAGE FROM THE GOVERNOR

March 13, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 13, 1990, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5554

Relating to railroad track scales.

Senate Bill No. 5593

Relating to vehicle length.

Second Substitute Senate Bill No. 6216

Relating to the community college exceptional faculty awards program.

Substitute Senate Bill No. 6289

Relating to administrative divisions of the department of agriculture.

Senate Bill No. 6335

Relating to commercial vessels.

Substitute Senate Bill No. 6452

Relating to the school district and community college employee leave sharing program.

Substitute Senate Bill No. 6473

Relating to sale of products of correctional industries.

Sincerely,
THOMAS J. FELNAGLE, Legal Counsel to the Governor

MOTION

At 12:03 p.m., on motion of Senator Nelson, the Senate adjourned until 12:00 noon, Friday, March 16, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, March 16, 1990

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Condee Holbrook and Hilary Bigger, presented the Colors.

MOTION

On motion of Senator Nelson, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

March 8, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Warren J. Gilbert, Jr., appointed March 8, 1990, for a term ending September 30, 1992, as a member of the Board of Trustees for Western Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

FURTHER MESSAGES FROM THE GOVERNOR

March 14, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 14, 1990, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 6167

Relating to unlawful subleasing or transferring of an ownership interest in motor vehicles.

Senate Bill No. 6180

Relating to confidentiality of basic health plan records.

Senate Bill No. 6201

Relating to health studios.

Substitute Senate Bill No. 6358

Relating to transportation taxes.

Senate Bill No. 6464

Relating to exemptions from commercial driver's licenses.

Senate Bill No. 6535

Relating to private activity bond allocation ceilings.

Substitute Senate Bill No. 6642

Relating to the Washington Marketplace program.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

March 15, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 15, 1990, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5300

Relating to women and minority races in apprenticeship.

Senate Bill No. 5487

Relating to full disclosure requirements of real estate licensees.

Senate Bill No. 5712

Relating to the environmental hearings office.

Second Substitute Senate Bill No. 6310

Relating to providing financial assistance to regional fisheries enhancement groups.

Senate Bill No. 6392

Relating to wills.

Senate Bill No. 6470

Relating to construction liens.

Substitute Senate Bill No. 6575

Relating to liability requirements for nuclear operations.

Substitute Senate Bill No. 6589

Relating to title insurers.

Substitute Senate Bill No. 6668

Relating to eligibility for crime victims' compensation.

Senate Bill No. 6673

Relating to qualifications for operating state-owned vehicles.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE HOUSE

March 15, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2416,

HOUSE BILL NO. 2667,

HOUSE BILL NO. 2694,

HOUSE BILL NO. 2888, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2416,

HOUSE BILL NO. 2667,

HOUSE BILL NO. 2694,

HOUSE BILL NO. 2888.

MOTION

At 12:04 p.m., on motion of Senator Nelson, the Senate adjourned until 12:00 noon, Monday, March 19, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 19, 1990

The Senate was called to order at 12:00 noon by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Cory York and Craig Emmons, presented the Colors. The Reverend Robert Christiansen, pastor of the Olympia-Lacey Church of God, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:55 p.m. by President Pro Tempore Bluechel.

There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Cantu, the following resolution was adopted:

SENATE RESOLUTION 1990-8768

by Senators Cantu and Rasmussen

WHEREAS, The National Society Daughters of the American Revolution was founded October 11, 1890, and incorporated by an Act of Congress in 1896; and

WHEREAS, The DAR has three objectives: Historical - to perpetuate the memory and spirit of the men and women who achieved American Independence; Educational - to promote institutions for the general diffusion of knowledge; Patriotic - to cherish, maintain, and extend the institutions of American freedom, to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty; and

WHEREAS, The DAR has more than two hundred thousand members in over three thousand chapters throughout the United States and around the world; and

WHEREAS, The DAR is a service organization dedicated to service to the nation; and

WHEREAS, In keeping with its historical objective, the DAR maintains the Museum of American Decorative Arts; is the repository of five thousand original colonial-revolutionary documents; constructed the Memorial Bell Tower and Carillon at Valley Forge Historical Park; built the Pilgrim Memorial Fountain in Plymouth, Massachusetts; contributed five hundred thousand dollars to restore the Statue of Liberty; and

WHEREAS, To promote education, the DAR annually awards its American History Scholarship; presents scholarships in nursing, history, government, political science, economics and occupational therapy; operates the Tamasee and Kate Duncan Smith DAR schools in South Carolina and Alabama, respectively; sponsors the Good Citizen and Junior American Citizen programs; and

WHEREAS, To foster patriotism, the DAR has distributed ten million citizenship manuals to immigrants seeking naturalization; sponsors Constitution week; assists applicants for American citizenship; works with naturalization courts; volunteers in

veterans hospitals; donates thousands of flags along with instruction on flag etiquette; and

WHEREAS, The Washington State Society of the Daughters of the American Revolution has a long and distinguished record of service to the citizens of this state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates the DAR on its 100th birthday and applauds its continuing efforts at historic preservation, the promotion of education and patriotic endeavors; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the President General of the Daughters of the American Revolution in Washington, D.C., and the State Regent for Washington State.

MOTION

At 2:57 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Tuesday, March 20, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 20, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present* except Senators Conner, DeJarnatt, Lee and Niemi.

The Sergeant at Arms Color Guard, consisting of Pages Kristie Bell and Nels Johnson, presented the Colors. The Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

*EDITOR'S NOTE: The Senate was on a rolling recess and Senators were not required to be present for the roll call.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 10:09 a.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:37 p.m. by President Pritchard.

MOTION

At 2:37 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:30 p.m. Wednesday, March 21, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTEENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wednesday, March 21, 1990

The Senate was called to order at 1:30 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present* except Senators Bender, Conner, DeJarnatt, Kreidler, Lee, Matson, McMullen, Murray, Nelson, Niemi, Saling, Smitherman, Stratton, Talmadge and Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Katie Harrington and Joe Cooper, presented the Colors. The Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

*EDITOR'S NOTE: The Senate was on a rolling recess and Senators were not required to be present for the roll call.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
HIGHER EDUCATION COORDINATING BOARD
917 Lakeridge Way
Olympia, Washington 98504

March 19, 1990

Mr. Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Mr. Golob:

The Displaced Homemaker Act requires that the Higher Education Coordinating Board submit a biennial evaluation of the Displaced Homemaker Program to the Legislature, (RCW 28B.04.070). The Higher Education Coordinating Board is the administering agency for the program.

Enclosed is the 1987-89 biennial evaluation. The Board has determined that the attached Displaced Homemaker Program's 1987-89 Biennial Evaluation Report is an accurate description of services and accomplishments per resolution number 90-5, adopted February 22, 1990.

Sincerely,
ANN DALEY
Executive Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE GOVERNOR

March 19, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 19, 1990, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5169

Relating to revenue collection by the department of social and health services.

Second Substitute Senate Bill No. 5845

Relating to anadromous and resident game fish production.

Substitute Senate Bill No. 5935

Relating to the capitol campus.

Substitute Senate Bill No. 6221

Relating to the Washington state high school and beyond program.

Senate Bill No. 6224

Relating to school district financial responsibility.

Substitute Senate Bill No. 6290

Relating to telecommunications devises for the hearing impaired and speech impaired.

Substitute Senate Bill No. 6348

Relating to temporary-use spare tires.

Senate Bill No. 6396

Relating to deeds of trust.

Senate Bill No. 6528

Relating to qualifications for a vessel pilot's license.

Senate Bill No. 6606

Relating to the exemptions and penalties for tinting or coloring of motor vehicle windows.

Substitute Senate Bill No. 6681

Relating to the leasing of surplus school property.

Substitute Senate Bill No. 6697

Relating to a Columbia river bridge study.

Senate Bill No. 6777

Relating to designating state route number 706 as the Road to Paradise.

Senate Bill No. 6866

Relating to research for field and turf grass seed production.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

March 21, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 21, 1990, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5431

Relating to the leasehold excise tax.

Senate Bill No. 6172

Relating to environmental coordination procedures.

Senate Bill No. 6388

Relating to cancellation of contracts between insurers and agents.

Substitute Senate Bill No. 6446

Relating to planning, design, and operation of public water systems.

Substitute Senate Bill No. 6447

Relating to failing public water systems.

Substitute Senate Bill No. 6453

Relating to the use of farmers home administration guaranty loan funds.

Senate Bill No. 6559

Relating to reimbursement for costs of plan review and construction approval of winter recreational facilities.

Senate Bill No. 6564

Relating to application of the insurance code to the pooling of funds to pay claims of commercial fishers.

Senate Bill No. 6577

Relating to the committee for recycling markets.

Substitute Senate Bill No. 6700

Relating to regulation of motor freight carriers transporting recovered materials.

Substitute Senate Bill No. 6701

Relating to the maritime commission and oil spill response system.

Substitute Senate Bill No. 6771

Relating to magnetic fields.

Substitute Senate Bill No. 6868

Relating to guardianship.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6698

March 21, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute Senate Bill No. 6698 entitled:

"AN ACT Relating to limitations on the use of solid fuel burning devices."

Section 1 of the bill makes reference to Engrossed Substitute House Bill No. 2277, which would have set up a joint select task force on clean air. Engrossed Substitute House Bill No. 2277 did not pass the Legislature. Section 1 of Substitute Senate Bill No. 6698 charges the task force with reviewing implementation of this bill. Since the task force does not exist, I have vetoed section 1.

With the exception of section 1, Substitute Senate Bill No. 6698 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE HOUSE

March 20, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4443, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6906 by Senator Nelson

AN ACT Relating to making minor adjustments to chapter 3, Laws of 1990, concerning criminal offenders; amending RCW 13.40.020, 71._____, 71._____, and 71._____; and providing an effective date.

HOLD.

SB 6907 by Senator Barr

AN ACT Relating to wetlands protection and management; amending RCW 35.13-.010; adding a new chapter to Title 90 RCW; adding a new section to chapter 76.09 RCW; creating a new section; prescribing penalties; and declaring an emergency.

HOLD.

SCR 8438 by Senators Talmadge, Gaspard and Fleming

Creating a task force on broadcasting of legislative activities.

HOLD.

SCR 8444 by Senators Wojahn, Vognild, Warnke, Bauer, Rasmussen, McDonald, West, Madsen, Talmadge, Fleming, Lee, Sellar, Smith, Johnson, Niemi, Craswell, Owen, Williams, Cantu, Saling, Newhouse and Moore

Requesting a legislative proposal for management of disabilities trust land.

HOLD.

SCR 8446 by Senators Patrick, Murray, Smith, Hayner, Talmadge and Johnson

Requesting an interim study on poverty issues.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4443 by Representatives Braddock, Morris, Jones, Vekich, Rector, Baugher, Ballard, Spanel, Wood, Wineberry, Fuhrman, Pruitt, Walker, Rasmussen, Tate, Rayburn, Youngsman, Bennett, Moyer, R. Fisher, Wolfe, Jesernig, Holland, Cole, Brumsickle, Dorn, Smith, Forner, McLean, Jacobsen, D. Sommers, Nealey, May, Phillips, S. Wilson and Anderson

Creating a commission on health care cost control.

HOLD.

MOTIONS

On motion of Senator Newhouse, Senate Bill No. 6906 and Senate Bill No. 6907 were held on the desk.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8438, Senate Concurrent Resolution No. 8444, Senate Concurrent Resolution No. 8446 and House Concurrent Resolution No. 4443 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Rinehart, the following resolution was adopted:

SENATE RESOLUTION 1990-8771

by Senators Rinehart, Williams, Wojahn, Murray, Talmadge, Warnke, Gaspard, Bender, Rasmussen, Johnson, Madsen, Smitherman, Vognild, Bauer, von Reichbauer, Owen, Thorsness, Craswell and Amondson

WHEREAS, The University of Washington Husky Women's Basketball Team is currently ranked third in the nation, the highest ranking ever for the team; and

WHEREAS, The Husky women are the number one seed in the Mideast Region of the NCAA national basketball championship tournament; and

WHEREAS, Coach Chris Gobrecht led her team to the co-championship of the PAC-10 conference, seventeen consecutive victories and a school record twenty-seven wins in compiling a dazzling 27-2 season mark; and

WHEREAS, Saturday night before a sellout crowd of over 8,000 frenzied Husky fans in Hec Edmundson Pavilion, the team avenged one of its two early season losses by eliminating DePaul from the national championship, 77-68; and

WHEREAS, The Huskies are one of only sixteen teams to qualify for the regional semifinals beginning Thursday, March 22; and

WHEREAS, Basketball fans across the state take great pride and satisfaction in the ability, talent, hustle, and effort put forth thus far by all members of the Husky team;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate that Coach Gobrecht and the University of Washington Huskies be commended, praised, and acclaimed for their magnificent accomplishments this season; and

BE IT FURTHER RESOLVED, That the Senate urges the Husky women to continue the quest for the national championship with the same zeal and enthusiasm they have displayed all year and assures the Huskies that the basketball fans will be with them in spirit throughout their pursuit; and

BE IT FURTHER RESOLVED, That the Senate directs copies of this resolution be transmitted to the University of Washington Women's Basketball Team in honor and recognition of its great year and in anticipation of even greater things to come.

MOTION

On motion of Senator Newhouse, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4443, by Representatives Braddock, Morris, Jones, Vekich, Rector, Baugher, Ballard, Spanel, Wood, Wineberry, Fuhrman, Pruitt, Walker, Rasmussen, Tate, Rayburn, Youngsman, Bennett, Moyer,

R. Fisher, Wolfe, Jesernig, Holland, Cole, Brumsickle, Dorn, Smith, Forner, McLean, Jacobsen, D. Sommers, Nealey, May, Phillips, S. Wilson and Anderson

Creating a commission on health care cost control.

The concurrent resolution was read the second time.

MOTION

On motion of Senator West, the rules were suspended, House Concurrent Resolution No. 4443 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8446, by Senators Patrick, Murray, Smith, Hayner, Talmadge and Johnson

Requesting an interim study on poverty issues.

The concurrent resolution was read the second time.

MOTION

Senator Smith moved that the rules be suspended and that Senate Concurrent Resolution No. 8446 be advanced to third reading, the second reading considered the third and the concurrent resolution be adopted.

Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8446.

The motion by Senator Smith carried and Senate Concurrent Resolution No. 8446 was adopted.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Benitz, the following resolution was adopted:

SENATE RESOLUTION 1990-8765

by Senators Benitz, Kreidler, Bluechel, Owen, Patrick and Stratton

WHEREAS, Advances and breakthroughs in telecommunications technology are rapidly occurring; and

WHEREAS, Many of these new advances allow for more complete screening of telecommunications interaction; and

WHEREAS, These advances include the ability to identify the number of the party calling; and

WHEREAS, The ability to identify a caller and related technologies raise new questions of the role of privacy in the telecommunications network; and

WHEREAS, A thorough examination of public opinion is needed before comprehensive state policies are enacted on this sensitive issue;

NOW, THEREFORE, BE IT RESOLVED, That the Senate support any efforts by the Utilities and Transportation Commission to hold public hearings throughout the state on the issues surrounding telephone privacy for the purpose of determining the views of the state's citizens on this subject.

MOTION

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

MOTIONS

On motion of Senator Newhouse, the rules were suspended and the Committee on Rules was relieved of further consideration of Substitute Senate Concurrent Resolution No. 8429.

On motion of Senator Newhouse, Substitute Senate Concurrent Resolution No. 8429 was placed on the third reading calendar.

MOTION

At 1:53 p.m., on motion of Senator Nelson, the Senate adjourned until 1:30 p.m., Thursday, March 22, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FOURTEENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Thursday, March 22, 1990

The Senate was called to order at 1:30 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present* except Senators Barr, Bender, Conner, DeJarnatt, Kreidler, Lee, Madsen, McMullen, Nelson, Niemi, Rinehart, Smitherman, Sutherland, Talmadge, Thorsness and Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Nanon Turner and Stephanie Henderson, presented the Colors. The Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

*EDITOR'S NOTE: The Senate was on a rolling recess and Senators were not required to be present for the roll call.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Saling, the following resolution was adopted:

SENATE RESOLUTION 1990-8769

by Senators Saling, West, Stratton and McCaslin

WHEREAS, The Shadle Park boys' basketball team has recently been crowned the best AAA team in the state of Washington; and

WHEREAS, The Highlanders, in defeating Garfield for the right to wear the mantle of NUMBER ONE, add another chapter to the glistening sports history at Shadle Park; and

WHEREAS, Seniors Corey Brantley, Jason Warnick, Aaron Childress, Jason Wenkheimer and Player of the Year, Rob Corkrum, provided leadership and stability for Coach Jim Meredith's squad and fellow teammates Eric Olson, Hans Giesa, Rob Ryan, Kraig McCoy, Matt Johnson, Ryland Huff and Mike Cady; and

WHEREAS, Assistant coaches Tim Gaebe and J. T. Johnson, trainer Ted Weber, manager Tim Sauls, and statistician Robert Race, together with the cheerleaders, pep band and student body, were invaluable components in the team's accomplishments; and

WHEREAS, The parents, families, and fans of the Highlanders take great pride in their school and have been supporters of academics as well as athletics;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates all those involved in assisting this fine team in reaching the top in boys' basketball in Washington State; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Shadle Park High School principal, Jim Hutton, for distribution to the coaches, team members and other contributors to the championship season.

MOTION

On motion of Senator Saling, the following resolution was adopted:

SENATE RESOLUTION 1990-8770

by Senators Saling, West, Stratton and McCaslin

WHEREAS, The Mead High School ladies' basketball team capped an extraordinary season by capturing the State Class AAA Championship; and

WHEREAS, The "Panthers" established a school record for most consecutive wins for a Mead ladies basketball team and captured the state title in their first trip to the state tournament; and

WHEREAS, Senior Heather Souer was selected to the all-state tournament team and, together with fellow seniors Katie Suver, Molly McLaughlin, Kari Eckberg, Brande Baker and Chelsea Baker, provided leadership to the Panthers throughout the season; and

WHEREAS, Head coach Jeanne Helfer and assistants Carl Barschig, Craig Busch and Steve Slade guided the Panthers to several school records en route to NUMBER ONE; and

WHEREAS, The total team effort, which is required in order to be crowned state champions, included players Melissa Mauro, Darcy Long, Alisa Indgjerd, Collene Flanigan, Stephanie Stallings, Jennifer Liere and managers Carolyon Elmer, Stacy Calkins and Kristie Filipy; and

WHEREAS, Mead takes great pride in the accomplishments of the Lady Panthers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates Coach Helfer, Athletic Director John Miller, the players, assistant coaches and managers, cheerleaders and student body, and the community of Mead for a good job well done; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Mead High School principal, Dr. Steve Hogue, for distribution to the coaches, team members and other contributors to the championship season.

MOTION

Senator Bauer moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8742

by Senators Sutherland, Bauer, Kreidler, Williams, Murray, Talmadge, Moore, Rasmussen, Smitherman, Niemi, Bender, Stratton, Gaspard, Conner, Wojahn, Warnke, Vognild, Rinehart, Anderson, Bailey, Smith, Johnson, Saling and von Reichbauer

WHEREAS, Almost twenty years ago, more than twenty million Americans joined together on Earth Day in a demonstration of concern for the environment, and their collective action resulted in the passage of sweeping new laws to protect our air, water, and land; and

WHEREAS, In the nineteen years since the first Earth Day, despite environmental improvements, the environmental health of the planet is increasingly endangered, threatened by global climate change, ozone depletion, growing world population, ocean pollution, toxic waste, and nuclear waste requiring action by all sectors of society; and

WHEREAS, Earth Day 1990 is a national and international call to action for all citizens to join in a global effort to save the planet; and

WHEREAS, Earth Day 1990 activities and events will educate all citizens on the importance of acting in an environmentally sensitive fashion by recycling, conserving energy and water, using efficient transportation, and adopting more ecologically sound lifestyles; and

WHEREAS, Earth Day 1990 activities and events will educate all citizens on the importance of buying and using only those products least harmful to the environment; and

WHEREAS, Earth Day 1990 activities and events will educate all citizens on the importance of supporting the passage of legislation that will protect the environment; and

WHEREAS, Dennis Hayes, a founder of Earth Day is a Washington native;

NOW, THEREFORE, BE IT RESOLVED, That April 22, 1990, be designated as Earth Day, and that the day be set aside for public activities promoting preservation of the global environment and launching the "Decade of the Environment"; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Dennis Hayes.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bauer, you will notice that I have signed on to this resolution and I am very much in favor of Earth Day. I am very much in favor of celebrating this great earth that we live on. I'm also very much in favor of using a little common sense. Have you heard of the snake pickleback?"

Senator Bauer: "Yes, I have heard of it, Senator."

Senator Rasmussen: "Had you ever heard of it before they stopped the dredging project up in Everett?"

Senator Bauer: "I never heard of it before that."

Senator Rasmussen: "You never heard of it before that. You have heard of the snail darter?"

Senator Bauer: "Yes."

Senator Rasmussen: "Well, the Fisheries Department has stopped the dredging project up in Everett--Senator Vognild's District--because of the snake pickleback and they have to develop a plan for handling it. The snake pickleback, of course, is a hundred thousand years old--or older--older than the Fisheries Department. They don't know anything about it yet. Why would they expect somebody to develop a plan to handle the snake pickleback any more than the snail darter that is found all over the world? Just as an element of Earth Day, we should ask all departments to use a little common sense. You explain about how they can manage the snake pickleback. You are educated, and I don't know anything about it."

Senator Bauer: "I appreciate that science lesson, Senator Rasmussen. I've heard of the purple loose strife. That's a new one this session. You've added to my science knowledge and I appreciate that very much. You, also, do your homework. I have no problem with a little education now and then."

POINT OF INQUIRY

Senator Fleming: "Senator Bauer, I was listening to the common sense discussion and I was listening to the Earth Day discussion and all of those things. Does the resolution have anything to do with Sine Die?"

Senator Bauer: "Well, we could add that. What kind of creature is that anyway?"

The President declared the question before the Senate to be the adoption of Senate Resolution 1990-8742.

The motion by Senator Bauer carried and Senate Resolution 1990-8742 was adopted.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1990-8772

by Senator von Reichbauer

WHEREAS, The Seattle Thunderbirds were founded in 1977 as the Seattle Breakers and a member of the Junior Hockey League; and

WHEREAS, The Seattle Thunderbirds of the Western Hockey League, composed of fourteen teams stretching from Portland, Oregon, to Brandon, Manitoba and Kamloops, British Columbia, have just completed their most successful regular season of play; and

WHEREAS, The Seattle Thunderbirds' final record for the regular season was 52 wins, 17 losses and 3 ties; and

WHEREAS, The Seattle Thunderbirds are now ranked first in junior hockey by the Canadian Hockey League; and

WHEREAS, The Seattle Thunderbirds drew almost 200,000 people at the Seattle Center Arena and Seattle Coliseum, with no less than four sell-outs at the Coliseum with some 12,000 fans in attendance; and/

WHEREAS, The Seattle Thunderbirds' twenty players are of the average age of eighteen; some players are as young as sixteen and attend school during the season; three of their players finished in the top ten scoring; and Glen Goodall is now the all time leader in points, goals and games played; and

WHEREAS, The Seattle Thunderbirds now enter the championship play-offs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extends its congratulations and best wishes to Seattle Thunderbirds' owner Bill Yuill, general manager Russ Farwell, head coach Peter Anholt and all of the players, coaches, managers, trainers and administrative staff; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Seattle Thunderbirds' organization.

MOTION

At 1:47 p.m., on motion of Senator Newhouse, the Senate adjourned until 11:00 a.m., Friday, March 23, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 23, 1990

The Senate was called to order at 11:00 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Christina Boyer and Kristin Davis, presented the Colors. The Reverend Donald Conant, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1990-8773

by Senator von Reichbauer

WHEREAS, The Federal Way High School speech team on March 10, 1990, won their third straight state AAA forensic speech tournament championship; and

WHEREAS, Their most recent championship was their fourth title overall; and

WHEREAS, The eighteen member team is proficient at expository speaking, oratory, and several varieties of interpretive speech from drama to humor; and

WHEREAS, The team award is the product of long hours of training and rehearsal under the tutelage and guidance of coordinator Lois Gorne, who has been with the Federal Way High School Speech Department for the past fifteen years; and

WHEREAS, The team award is also the product of long hours given by the students in after-school speech rehearsals, Saturday meets in faraway cities and goal-setting sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates and extends its best wishes to the entire Federal Way High School Speech Team, coordinator Lois Gorne, and tournament winners Rebecca Tipper, Angie Thompson, Stacey Cramblit, Caroline Blakeslee, Stephen Howard and Eva Cook; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Lois Gorne and all members of the Federal Way High School Speech Team.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

March 22, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 22, 1990, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 6822

Relating to a business and occupation exemption for small timber harvesters.

Senate Bill No. 6862

Relating to the development of hardwood forests and hardwood products within the Washington forest industry.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following section of a bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the section or item of the bill as required by Article III, section 12, of the Washington State Constitution:

Section 1, Substitute Senate Bill No. 6698, the remainder of which has been designated Chapter 128, Laws of 1990.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington, at Olympia, this twenty-first day of March, 1990.

(Seal)

RALPH MUNRO, Secretary of State

EDITOR'S NOTE: The Governor's message on the partial veto of Substitute Senate Bill No. 6698 was read in on the thirteenth day of the First Special Session, March 21, 1990.

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 22, 1990

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4443, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4443.

MOTION

At 11:09 a.m., on motion of Senator Newhouse, the Senate adjourned until 11:00 a.m., Monday, March 26, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 26, 1990

The Senate was called to order at 11:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present* except Senators Amondson, Benitz, Conner, Craswell, DeJarnatt, Hayner, Lee, McDonald, McMullen, Metcalf, Niemi, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, West and Wojahn.

The Sergeant at Arms Color Guard, consisting of Senate staff members Jim Charette and Elton Richardson, presented the Colors. Sister Georgette Bayless, director of pastoral care, St. Peter Hospital of Olympia, offered the prayer.

*EDITOR'S NOTE: The Senate was on a rolling recess and Senators were not required to be present for the roll call.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION
603 Evergreen Plaza Building Way
711 Capitol Way South
Olympia, Washington 98504

March 12, 1990

The Honorable Booth Gardner
Governor of Washington
Legislative Building
Olympia, Washington 98504

Mr. Gordon A. Golob
Washington State Senate
Legislative Building
Olympia, Washington 98504

Mr. Alan Thompson, Chief Clerk
House of Representatives
Legislative Building
Olympia, Washington 98504

Gentlemen:

We have the honor to submit to you, pursuant to RCW 41.58.010 (4), the Annual Report of the Public Employment Relations Commission, covering the fiscal year ended June 30, 1989.

Very truly yours,
PUBLIC EMPLOYMENT RELATIONS COMMISSION
Janet L. Gaunt, Chairperson
Mark C. Endresen, Commissioner
Joseph F. Quinn, Commissioner
Marvin L. Schurke, Executive Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

March 23, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 23, 1990, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5013

Relating to school districts.

Second Substitute Senate Bill No. 5996

Relating to a study of the feasibility of a waste management education and training program.

Substitute Senate Bill No. 6031

Relating to voter registration in drivers's licensing facilities.

Senate Bill No. 6213

Relating to reimbursement to department of social and health services employees for costs related to assaults.

Senate Bill No. 6304

Relating to sick leave records.

Substitute Senate Bill No. 6305

Relating to higher education fees.

Substitute Senate Bill No. 6377

Relating to violations of Title 75 RCW.

Substitute Senate Bill No. 6493

Relating to access to adoption information.

Substitute Senate Bill No. 6494

Relating to adoption.

Senate Bill No. 6583

Relating to air pollution control authorities.

Senate Bill No. 6588

Relating to the live performances.

Senate Bill No. 6727

Relating to the sale of valuable material, including shellfish, from state-owned aquatic lands.

Senate Bill No. 6802

Relating to reduced utility rates.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON SENATE BILL NO. 6399

March 23, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6399 entitled:

"AN ACT Relating to employer cooperation with the office of support enforcement."

Section 1 dramatically reduces the sanctions against employers who unlawfully penalize a person who pays child support through wage assignment.

Employers have cooperated well with wage assignment statutes, and there has been no indication that the existing sanctions have been abused to the detriment of employers.

Employee protections were established in furtherance of public policy that encourages and protects persons who pay their child support. Children also benefit when persons supporting them are protected from arbitrary actions by employers.

With the exception of section 1, Senate Bill No. 6399 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE HOUSE

March 22, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4445, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4445 by Representative Ebersole

Permitting consideration of House Bill No. 3035 during special session.

MOTION

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4445 was advanced to second reading and placed on the second reading calendar.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4445, by Representative Ebersole

Permitting consideration of House Bill No. 3035 during special session.

The concurrent resolution was read the second time.

MOTION

Senator Newhouse moved that the following amendment be adopted:

On page 1, line 4 of the resolution, after "county" strike ", is hereby declared to be a measure" and insert "and Senate Bill No. 6906, concerning criminal offenders, are hereby declared to be measures"

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, I agree with you on this particular amendment. I have another question, though, relating to the sexual predator bill. Under that bill, we had the crime victim's program put in the Governor's Office. By executive order, he sent it over to some other agency. Are we going to have any correction on that?"

Senator Newhouse: "That is not in this bill, Senator."

Senator Rasmussen: "Well, I wondered if we were going to do anything about it. He can send anything anyplace under his executive order. He has to have some money to follow it."

Senator Newhouse: "My recollection of the plans with this bill, as it passed, were that the matter would be taken care of next session with a trial period as the Governor dictated."

The President declared the question before the Senate to be the adoption of the amendment by Senator Newhouse on page 1, line 4, to House Concurrent Resolution No. 4445.

The motion by Senator Newhouse carried and the amendment to the concurrent resolution was adopted.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4445, as amended by the Senate, was advanced to third reading, the second reading considered the third and the concurrent resolution, as amended, was adopted.

MOTION

At 11:13 a.m., on motion of Senator Newhouse, the Senate adjourned until 11:00 a.m., Tuesday, March 27, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 27, 1990

The Senate was called to order at 11:00 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Senate staff members Judy Evans and Lauree Yokoyama, presented the Colors. Reverend James H. Blundell, pastor of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

March 26, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 26, 1990, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5545

Relating to vocational education.

Third Substitute Senate Bill No. 5550

Relating to the classification and valuation of multiple-unit buildings devoted primarily to low-income housing and of mobile home parks at current use value.

Substitute Senate Bill No. 6330

Relating to consumer protection.

Senate Bill No. 6370

Relating to city or town name changes.

Substitute Senate Bill No. 6389

Relating to revising the Washington business corporations act.

Substitute Senate Bill No. 6390

Relating to qualified domestic trusts regarding estate tax marital deductions for gifts to surviving spouses.

Substitute Senate Bill No. 6395

Relating to the deletion of obsolete inheritance tax references.

Substitute Senate Bill No. 6467

Relating to second degree arson as murder.

Substitute Senate Bill No. 6474

Relating to public corporations.

Substitute Senate Bill No. 6499

Relating to funding of dispute resolution centers.

Senate Bill No. 6520

Relating to nonionizing radiation.

Senate Bill No. 6562

Relating to superior courts.

Senate Bill No. 6571

Relating to interpreters in legal proceedings.

Substitute Senate Bill No. 6726

Relating to funding of firearm range facilities.

Senate Bill No. 6741

Relating to the permitting process for certain utility extensions.

Substitute Senate Bill No. 6776

Relating to condominiums.

Senate Bill No. 6816

Relating to a special fuel tax exemption for milk dumping.

Senate Bill No. 6834

Relating to basic health benefits for small businesses.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6574

March 26, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Senate Bill No. 6574 entitled:

"AN ACT Relating to the Washington state housing finance commission."

The bill allows the Housing Finance Commission to issue bonds to finance nursing home construction and renovation. The bill expands the purposes of bonding authority to include financing of capital facilities owned and operated by non-profit corporations. The bill also is intended to give, with limited exception, the Housing Finance Commission exclusive authority to issue bonds for these purposes.

Section 2(6) of the bill recognizes and preserves existing statutory authority for local housing authorities to establish non-profit corporations for the purpose of issuing bonds for the construction of low-income housing. While the remainder of the bill expands the purposes of bonding authority, section 9, unlike section 2(6), fails to preserve existing local housing finance programs by failing to except them from the purposes for which the Housing Finance Commission is established as the "sole issuer of revenue bonds."

Neither the bill nor its legislative history provides information to reconcile the apparent conflict between section 2(6) and section 9.

In order to preserve the financing programs of local housing programs and to correct any inconsistency between section 2(6) and section 9, I have vetoed section 9 of the bill.

With the exception of section 9, Senate Bill No. 6574 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following section of a bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the section or item of the bill as required by Article III, section 12, of the Washington State Constitution:

Section 1, Senate Bill No. 6399, the remainder of which has been designated Chapter 165, Laws of 1990.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington, at Olympia, this twenty-sixth day of March, 1990.

(Seal)

RALPH MUNRO, Secretary of State

EDITOR'S NOTE: The Governor's message on the partial veto of Senate Bill No. 6399 was read in on the eighteenth day of the First Special Session, March 26, 1990.

The motion to refer Senate Bill No. 6399 to committee was made on the twentieth day of the First Special Session, March 29, 1990.

MOTION

At 11:07 a.m., on motion of Senator Newhouse, the Senate adjourned until 11:00 a.m., Wednesday, March 28, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 28, 1990

The Senate was called to order at 11:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present* except Senators Lee, McMullen, Niemi, Saling and West.

The Sergeant at Arms Color Guard, consisting of Senate staff members Edward Seeberger and Dick Armstrong, presented the Colors. Sister Georgette Bayless, director of pastoral care, St. Peter Hospital of Olympia, offered the prayer.

*EDITOR'S NOTE: The Senate was on a rolling recess and Senators were not required to be present for the roll call.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

March 27, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 27, 1990, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5206

Relating to the economic and revenue forecast council.

Substitute Senate Bill No. 5340

Relating to depository checks.

Substitute Senate Bill No. 5594

Relating to out-of-state prescriptions.

Senate Bill No. 6164

Relating to the transportation of food products.

Senate Bill No. 6192

Relating to substitution of generic drugs on out-of-state prescriptions.

Substitute Senate Bill No. 6195

Relating to animals.

Senate Bill No. 6391

Relating to estate and transfer taxes internal references.

Senate Bill No. 6394

Relating to escheat property and small estates.

Senate Bill No. 6451

Relating to unstamped cigarettes.

Substitute Senate Bill No. 6608

Relating to enforcement of traffic violations.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

VETO MESSAGE ON SENATE BILL NO. 6533

March 27, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6533 entitled:

"AN ACT Relating to school suspension."

The bill restates existing statutory authority permitting a school district to reduce the length of a student's suspension upon condition that the student begin

counseling or other treatment. The bill also specifically releases the district from any financial responsibility for such counseling or treatment.

School districts have not been found to be financially obligated for these expenses.

School districts sponsor many programs of voluntary participation by students contingent upon some financial or other student commitment. The bill's release of districts from financial obligation in the instance of counseling or treatment related to the length of a suspension raises an inference that the districts may be financially obligated in other instances where not specifically released.

In order to avoid unintended consequences from a well-intended bill, I have vetoed Senate Bill No. 6533 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6729

March 27, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6729, as amended by the House, entitled:

"AN ACT Relating to DNA Identification."

The bill specifically authorizes and directs the Washington State Patrol to adopt rules for RCW 43.43.752 through RCW 43.43.758, the statutes establishing the DNA Identification Program.

Section 4 of the bill does not specifically address the DNA Identification Program, but rather the general role and authority of the Department of Corrections and county jail administrators to conduct blood sampling. As constructed, section 4 would not be codified within the statutes for which the bill establishes rule-making authority. As a result, the rule-making authority established by the bill will not be effective to implement section 4.

I believe section 3 of the bill provides sufficient authority to implement the regulations necessary to carry out the intent of this bill.

For these reasons, I have vetoed section 4 of the bill.

With the exception of section 4, Substitute Senate Bill No. 6729 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following section of a bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the section or item of the bill as required by Article III, section 12, of the Washington State Constitution:

Section 9, Senate Bill No. 6574, the remainder of which has been designated Chapter 167, Laws of 1990.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington, at Olympia, this twenty-seventh day of March, 1990.

(Seal)

RALPH MUNRO, Secretary of State

EDITOR'S NOTE: The Governor's message on the partial veto of Senate Bill No. 6574 was read in on the nineteenth day of the First Special Session, March 27, 1990.

Senate Bill No. 6574 was referred to the Committee on Economic Development and Labor.

MESSAGES FROM THE HOUSE

March 27, 1990

Mr. President:

The House relieved the Conference Committee of further consideration of SUBSTITUTE SENATE BILL NO. 6639; receded from the House amendments and passed the bill without said amendments, and said bill is herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

March 27, 1990

Mr. President:

The House concurred in the Senate amendments to HOUSE CONCURRENT RESOLUTION NO. 4445 and adopted the resolution as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 27, 1990

Mr. President:

The House has passed SUBSTITUTE HOUSE BILL NO. 3035, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 27, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4446, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6908 by Senators Madsen and Moore

AN ACT Relating to industrial radiography; and amending RCW 43.70.110.

Referred to Committee on Energy and Utilities.

SB 6909 by Senators Newhouse, Anderson, Benitz, Smith, Patterson, Thorsness, Patrick, Nelson, Smitherman, Warnke, Vognild, Talmadge, Matson, Bailey, Bauer, Gaspard, Conner, Barr, Hansen, Sutherland, Murray, Madsen, Fleming, Johnson, von Reichbauer, Hayner, McCaslin, West and Lee

AN ACT Relating to local criminal justice and other fiscal assistance: amending RCW 82.14.050, 82.14.060, 43.84.090, 43.84.092, 41.16.060, 41.16.050, 63.29.190, 46.16.216, 46.20.270, 82.14.210, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 10.01.160, 10.46.190, 10.82.070, 10.82.030, 84.52.054, 17.28.100, 17.28.252, 35.58.090, 35.58.116, 35.61.210, 36.58.150, 36.60.040, 36.68.480, 36.69.140, 36.83.030, 56.04.050, 57.04.050, 67.38.130, 70.44.060, 70.94.091, 84.52.010, 84.52.043, 84.52.052, 84.52.053, 84.52.056, 84.52.100, 84.69.020, 43.135.060, 43.132.020, 82.44.110, and 82.14.210; reenacting and amending RCW 36.68.520; adding a new section to chapter 82.44 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new section to chapter 44.44 RCW; adding new sections to chapter 63.29 RCW; adding a new section to chapter 84.52 RCW; repealing RCW 29.30.111, 36.68.525, 36.69.145, and 84.52.069; creating new sections; making an appropriation; providing an expiration date; providing effective dates; providing a contingent effective date; and declaring an emergency.

HOLD.

SB 6911 by Senator Hayner

AN ACT Relating to growth.

HOLD.

MOTIONS

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6906, which was held on the desk March 21, 1990, was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, Senate Bill No. 6907, which was held on the desk March 21, 1990, was referred to the Committee on Agriculture.

On motion of Senator Newhouse, Senate Bill No. 6909 and Senate Bill No. 6911 were held on the desk.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Bailey, the following resolution was adopted:

SENATE RESOLUTION 1990-8775

by Senator Bailey

WHEREAS, The Snohomish High School Marching Band has a long and proud tradition of accomplishment, including being honored as the 1989 State Invitational Marching Band Champions; and

WHEREAS, The band was invited to visit mainland China two years ago and was one of the first high school bands to perform on the Great Wall; and

WHEREAS, The band has been selected as the only high school marching band to represent the United States at the Inauguration of the President of Taiwan, in the city of Taipei, from May 20 to May 30, 1990, joining bands from other countries, including Great Britain, Canada, and Japan; and

WHEREAS, Mr. Ray Johnson, the Principal; Mr. Ed Peterson, the Band Director, and, most importantly, the one hundred-twenty members of the marching band have worked hard to perfect their program for the enjoyment of the Snohomish community; and

WHEREAS, The Snohomish Music Booster Association, a large group of active and interested parents and supporters of the band, contribute tremendous effort and time to make the outstanding program a reality; and

WHEREAS, The students in the band, in addition to being outstanding musicians and marchers, also boast an average grade point average of 3.44, and are active in many other school and community activities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor The Snohomish High School Marching Band for their outstanding efforts and for achieving the honor of representing the United States at the upcoming Inauguration of the President of Taiwan; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to requesting band members and program participants.

MOTION

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6399 and the partial veto message of the Governor were referred to the Committee on Law and Justice.

On motion of Senator Newhouse, Substitute Senate Bill No. 6698 and the partial veto message of the Governor were referred to the Committee on Energy and Utilities.

EDITOR'S NOTE: The message from the Secretary of State transmitting Senate Bill No. 6399, and the Governor's partial veto message, to the Senate was read in on the nineteenth day of the First Special Session, March 27, 1990.

The message from the Secretary of State transmitting Substitute Senate Bill No. 6698, and the Governor's partial veto message, to the Senate was read in on the fifteenth day of the Special Session, March 23, 1990.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6639.

MOTION

At 11:18 a.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:32 p.m. by President Pritchard.

MOTION

On motion of Senator Newhouse, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6910 by Senators Newhouse and Matson

AN ACT Relating to funding criminal justice enhancement for Yakima county; making an appropriation; and declaring an emergency.

HOLD.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6910 was held on the desk.

MOTION

At 2:33 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Thursday, March 29, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 29, 1990

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Conner, Niemi and Saling.

The Sergeant at Arms Color Guard, consisting of Senate staff members Mary Gray and Liz Mattos, presented the Colors. Sister Georgette Bayless, director of pastoral care, St. Peter Hospital of Olympia, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

March 28, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 28, 1990, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5450

Relating to education in Pacific Rim languages.

Substitute Senate Bill No. 6255

Relating to assault of a transit or school bus operator or driver.

Senate Bill No. 6303

Relating to pedestrians.

Substitute Senate Bill No. 6393

Relating to exempt pension money.

Substitute Senate Bill No. 6426

Relating to the scenic highway system.

Substitute Senate Bill No. 6560

Relating to odometers.

Substitute Senate Bill No. 6649

Relating to adopt-a-highway signs.

Senate Bill No. 6652

Relating to cigarettes without stamps.

Second Substitute Senate Bill No. 6731

Relating to including absentee ballots in voter abstracts.

Second Substitute Senate Bill No. 6780

Relating to farmworker housing inspection and standards.

Substitute Senate Bill No. 6827

Relating to state-wide 911.

Substitute Senate Bill No. 6859

Relating to the tax status of computer software.

Substitute Senate Bill No. 6880

Relating to the disclosure of business and residential locations by state agencies and local agencies.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6664

March 28, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6664 entitled:

"AN ACT Relating to the business license center act."

Section 4 repeals the provisions which established the Business License Center and added licenses to the Master License System. Although technically these provisions are no longer applicable since the time frames and requirements have been met, they provide useful historical information regarding the program. It is normal practice to retain such historical information in statute to minimize confusion regarding programs. I have, therefore, vetoed section 4 of the bill.

With the exception of section 4, Substitute Senate Bill No. 6664 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6663

March 28, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 48, 55, 76, and 87, Substitute Senate Bill No. 6663 entitled:

"AN ACT Relating to Special License Plates and technical revisions to the department of licensing statutes."

Section 55 duplicates an amendment in Senate Bill No. 6190 and section 76 duplicates an amendment in Senate Bill No. 6358. To avoid these duplications, I have vetoed these two sections.

Section 48 allows those who refuse the alcohol breath test to obtain an occupational driver's license. An occupational driver's license is granted to a person who provides proof of requiring driving privileges for employment reasons. Section 87 requires rescission of the revocation, for failure to take the breath test, of a person's driving privilege if that person is found not guilty of the underlying offense and the person's impaired driving was caused by a medical condition. These two sections serve to erode the implied consent law. That law is the state's most effective tool to combat drunken driving.

Nearly 800 people die on Washington's roadways each year. Nearly half of those deaths are alcohol related. I have indicated a strong commitment to a policy of no tolerance and strict deterrence. I remain convinced that the public message of no tolerance for drunken driving, with swift and sure consequences, is an effective deterrent.

Although the Legislature declined to take the issue of drivers' license revocation out of the criminal process, now is not the time to erode tough sanctions against drunken drivers. Instead, I challenge the Legislature to join me in the endeavor to save lives in the upcoming years and improve safety on Washington roads by promoting tougher laws against drunken drivers.

For these reasons, I have vetoed sections 48, 55, 76, and 87 of Substitute Senate Bill No. 6663.

With the exception of sections 48, 55, 76, and 87, Substitute Senate Bill No. 6663 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6306

March 28, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2, 4, 5 and 6, Substitute Senate Bill No. 6306 entitled:

"AN ACT Relating to tenure modification at community colleges."

Section 2 of this bill amends the community college faculty tenure review process by changing the maximum probationary period language from "three consecutive college years, excluding summer quarters" to "nine consecutive college quarters, excluding summer quarters and approved leaves of absence." In addition, section 2 provides that the probationary period could be extended up to three additional college quarters upon the recommendation of the review committee, and with the consent of the probationary faculty member and the appointing authority. Both the institution and the probationer would benefit by these changes.

I am supportive of an initiative which clarifies, and possibly lengthens, the performance review of faculty appointees prior to the granting of tenure, as long as the initiative improves the review process. I do not believe, however, that this proposed legislation adequately corrects the problems associated with the award of faculty tenure following a probationary period.

Under current law, the appointing authority, upon deciding not to renew a probationary faculty appointment, is required to notify the probationer of its decision by no later than the last day of the winter quarter in the third consecutive college year. Since this requirement was not eliminated in conjunction with the probationary period changes, virtually no improvement is made to the current review process. With the removal of section 2, sections 1, 4, 5 and 6 are superfluous. For these reasons, I have vetoed sections 1, 2, 4, 5 and 6 of Substitute Senate Bill No. 6306.

Section 3 of this bill requires the State Board of Community College Education to conduct a study of salaries for faculty and administrators at Community Colleges. That study, which I support, is already underway. This provision has the benefit of formalizing that study and setting a reporting date.

With the exception of sections 1, 2, 4, 5 and 6, Substitute Senate Bill No. 6306 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGES FROM THE HOUSE

March 28, 1990

Mr. President:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6639, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 28, 1990

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8446, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 28, 1990

Mr. President:

The House has passed HOUSE BILL NO. 3036, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 28, 1990

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 2729, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8446.

INTRODUCTION AND FIRST READING

SCR 8448 by Senator Hayner

Permitting consideration of Senate Bill No. 6114 during special session.

HOLD

SCR 8449 by Senator Newhouse

Permitting consideration of Senate Bill No. 6910 during special session.

HOLD

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2729 by Representatives Rust, Brough, Belcher, Brooks, Holland, R. King, O'Brien, Jacobsen, Dellwo, Phillips, Leonard, Pruitt, Rector, Nelson, Brekke, Day, Scott and Sprengle (by request of Governor Gardner)

Protecting wetlands.

HOLD.

SHB 3035 by Committee on Appropriations (originally sponsored by Representatives Inslee, Baugher, Rayburn, Rector, Haugen, Ebersole and Rasmussen)

Funding the construction and expansion of jail facilities in Yakima County.

HOLD.

HB 3036 by Representatives Haugen, Wang and Holland

Enlarging the scope of use of revenues from the additional tax on real estate.

Referred to Committee on Ways and Means.

HCR 4446 by Representative Ebersole

Permitting consideration of House Bill No. 3036 during special session.

HOLD.

MOTION

On motion of Senator Newhouse, Senate Concurrent Resolution No. 8448, Senate Concurrent Resolution No. 8449, Engrossed House Bill No. 2729, Substitute House Bill No. 3035 and House Concurrent Resolution No. 4446 were held on the desk.

MOTION

At 10:18 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:34 p.m. by President Pritchard.

MOTION

At 1:34 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:27 p.m. by President Pritchard.

MOTION

At 2:27 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Friday, March 30, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 30, 1990

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Senate staff members Tina Bemis and Priscilla Martens, presented the Colors. Sister Georgette Bayless, director of pastoral care, St. Peter Hospital of Olympia, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following section of a bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the section or item of the bill as required by Article III, section 12, of the Washington State Constitution:

Section 4, Substitute Senate Bill No. 6729, the remainder of which has been designated Chapter 230, Laws of 1990.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington, at Olympia, this twenty-ninth day of March, 1990.

(Seal)

RALPH MUNRO, Secretary of State

EDITOR'S NOTE: The Governor's message on the partial veto of Substitute Senate Bill No. 6729 was read in on the twentieth day of the First Special Session, March 28, 1990.

Substitute Senate Bill No. 6729 was referred to the Committee on Law and Justice.

MOTION

On motion of Senator Saling, the following resolution was adopted:

SENATE RESOLUTION 1990-8776

by Senators Saling, Bauer, Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniid, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, The Washington State Legislature, in 1981, established the Washington Scholars' Program to recognize selected senior students from Washington public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, The Legislature wishes to encourage these talented students to attend institutions of higher education in the state of Washington; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as outstanding student leaders; as skilled participants in music, debate, sports, and other programs; and through valuable service to their communities; and

WHEREAS, The families of the students have nurtured and supported the interests and talents of their children; and

WHEREAS, These selected students must maintain a 3.3 grade point average at Washington's public colleges and universities in order to receive tuition and fee waivers and at private institutions in order to receive grants; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students, but as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Washington Scholars be recognized and congratulated for their hard work, dedication, and maturity in achieving this praiseworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the Washington Scholars from each of the forty-nine legislative districts.

MOTION

On motion of Senator Saling, the names of all Senators will be added as sponsors of Senate Resolution 1990-8776.

MOTION

At 8:42 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:26 a.m. by President Pritchard.

MOTION

At 11:26 a.m., on motion of Senator Newhouse, the Senate recessed until 4:00 p.m.

The Senate was called to order at 4:17 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Senate Concurrent Resolution No. 8444, deferred on second reading March 21, 1990.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8444, by Senators Wojahn, Vognild, Warnke, Bauer, Rasmussen, McDonald, West, Madsen, Talmadge, Fleming, Lee, Sellar, Smith, Johnson, Niemi, Craswell, Owen, Williams, Cantu, Saling, Newhouse and Moore

Requesting a legislative proposal for management of disabilities trust land.

The concurrent resolution was read the second time.

MOTIONS

On motion of Senator Wojahn, the following amendment was adopted:
On page 1, line 28 after "and" strike "Health Care" and insert "Human Services"

On motion of Senator Wojahn, the following amendment was adopted:
On page 2, line 6 after "disabled" insert "that are now surplus or become surplus in the future"

MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8444 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Engrossed Senate Concurrent Resolution No. 8444 was adopted by voice vote.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Fleming, the following resolution was adopted:

SENATE RESOLUTION 1990-8748

by Senators Fleming, Hayner and Rasmussen

WHEREAS, Recent events in South Africa are hopeful signs that the seeds of democracy beginning to flourish throughout the world are also taking root in this country of apartheid; and

WHEREAS, President F. W. de Klerk has recently recognized the African National Congress as a legitimate voice of opponents to the apartheid system in South Africa, by both removing the ban that has outlawed the congress for thirty years and by freeing leader Nelson Mandela who has suffered imprisonment for twenty-eight years; and

WHEREAS, The structure of apartheid that put Mr. Mandela in prison and outlawed the voices of opposition continues to dictate political and economic discrimination against South Africa's nearly twenty million non-white citizens; and

WHEREAS, More than three hundred-fifty political prisoners remain detained in South African jails; and

WHEREAS, The state of emergency under which South African citizens have lived since 1986 continues to deny its non-white citizens the right of free movement, the right of congregation, and the right to vote;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commends the South African government for its recent actions to improve the political climate and begin restoring the rights of its non-white citizens; and

BE IT FURTHER RESOLVED, That the Washington State Senate urges the South African government to push forward with political reforms, to lift the state of emergency, to grant the right to all its citizens to vote for their government in free and fair elections, to work with leaders of the anti-apartheid community to pursue a dismantling of the repressive apartheid system, and to install a system of democracy where the rights of all individuals are protected regardless of race.

MOTION

On motion of Senator West, the following resolution was adopted:

SENATE RESOLUTION 1990-8766

by Senators West and Niemi

WHEREAS, There are few educational programs in institutions of higher education that prepare students to work with people experiencing long-term psychiatric disabilities; and

WHEREAS, The turnover of qualified mental health professionals in community mental health agencies in Washington is 32.4%; and

WHEREAS, Average salaries for community mental health staff are substantially lower than other public sector jobs; and

WHEREAS, These problems have generated a crisis posing an imminent and immediate threat to the provision of safe and adequate mental health services;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Health and Long-Term Care Committee address the issues of preparation of mental health professionals, community mental health worker turnover, and wage disparity, and report their findings, conclusions, and recommendations in the form of proposed legislation, if needed, at the regular legislative session held in 1991.

MOTIONS

On motion of Senator Newhouse, the Senate reverted to the fifth order of business.

On motion of Senator Newhouse, the Senate resumed consideration of Senate Concurrent Resolution No. 8449 which was held on the Introduction and First Reading Calendar, March 29, 1990.

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8449 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8449, by Senator Newhouse

Amending House Concurrent Resolution No. 4442, permitting consideration of certain bills during special session.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Newhouse, the following amendment was adopted:

On page 1, line 4, after "county" strike ", is hereby declared to be a measure" and insert ", Senate Bill No. 6909, relating to local criminal justice and other fiscal assistance, Senate Bill No. 6091, relating to the budget stabilization account, Senate Bill No. 6114, relating to corrections, and House Joint Resolution No. 4227, relating to property tax six-year levy, are hereby declared to be measures"

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8449 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Engrossed Senate Concurrent Resolution No. 8449 was adopted by voice vote.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Senate Bill No. 6091.

On motion of Senator Newhouse, Engrossed Senate Bill No. 6091 was placed on the third reading calendar.

On motion of Senator Newhouse, the Senate reverted to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 6091, by Senators McDonald, Gaspard, Hayner and Vogtild

Making an appropriation for the budget stabilization account.

The bill was read the third time and placed on final passage.

MOTION

At 4:31 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:23 p.m. by President Pritchard.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Concurrent Resolution No. 8429, deferred on third reading March 21, 1990.

MOTION

On motion of Senator Newhouse, the rules were suspended and Substitute Senate Concurrent Resolution No. 8429 was returned to second reading.

SECOND READING

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, by Committee on Children and Family Services (originally sponsored by Senators Smith, Vognild, Bailey, Stratton and Conner)

Creating the Washington State Adoption Commission.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Smith, the following amendments were considered simultaneously and were adopted:

On page 1, line 24, after "December" strike "1991" and insert "1990"

On page 2, line 13, after "session in" strike "1992" and insert "1991"

MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8429 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8429.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8429 and the concurrent resolution passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, having received the constitutional majority, was declared passed.

There being no objection, the President returned the Senate to the fifth order of business.

MOTIONS

On motion of Senator Newhouse, the Senate resumed consideration of Senate Bill No. 6909 which was held on the Introduction and First Reading Calendar, March 28, 1990.

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6909 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6909, by Senators Newhouse, Anderson, Benitz, Smith, Patterson, Thorsness, Patrick, Nelson, Smitherman, Warnke, Vognild, Talmadge, Matson, Bailey, Bauer, Gaspard, Conner, Barr, Hansen, Sutherland, Murray, Madsen, Fleming, Johnson, von Reichbauer, Hayner, McCaslin, West and Lee

Providing for local criminal justice and other fiscal assistance.

The bill was read the second time.

MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Barr be adopted:

Strike everything after the enacting clause and insert the following:

*PART I
CRIMINAL JUSTICE FUNDING

NEW SECTION, Sec. 101. A new section is added to chapter 82.44 RCW to read as follows:

On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund, except taxes collected under RCW 82.44.020(6), in addition to the distributions under RCW 82.44.150.

(1) A sum equal to seven and thirty-eight one-hundredths percent thereof shall be allocable to the county criminal justice assistance account under section 102 of this act; and

(2) A sum equal to one and five-tenths percent thereof shall be allocable to the municipal criminal justice assistance account under section 103 of this act.

NEW SECTION, Sec. 102. A new section is added to chapter 82.14 RCW to read as follows:

The county criminal justice assistance account is created in the state treasury. The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.

(1) Two and four one-hundredths percent of the county criminal justice assistance account shall be appropriated annually to the prosecution assistance revolving account hereby created in the custody of the state treasurer. The purpose of the revolving account is to assist local governments in the investigation and prosecution of exceptional criminal justice cases that, because of their magnitude, are beyond the normal scope of local law enforcement and prosecution agencies.

Within available funds, moneys in the revolving account may be disbursed, without appropriation, by the director of community development, upon advice of the local criminal justice advisory group, solely for grants to cities and counties for exceptional costs incurred in a criminal case during the year, but only to the extent the costs exceed five percent of the annual operating budget of the city or county.

If the legislature determines that moneys in the revolving account exceed the anticipated need, the legislature in the omnibus appropriations act may direct the transfer of a specified amount to the state general fund. The prosecution assistance revolving account is subject to the allotment procedures under chapter 43.88 RCW. The department of community development shall adopt such rules as are necessary to implement this subsection.

(2) The remainder of the moneys in the county criminal justice assistance account shall be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) As used in this subsection:

(i) The population of the county shall be determined by the office of financial management;

(ii) The crime rate of the county is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court shall be determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts.

(3) Moneys distributed under subsection (2) of this section shall be expended exclusively for criminal justice purposes. Within thirty days following the close of the county's fiscal year, the county shall report to the state auditor the expenditures made under subsection (2) of this section.

NEW SECTION, Sec. 103. A new section is added to chapter 82.14 RCW to read as follows:

The municipal criminal justice assistance account is created in the state treasury. The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.

(1) The moneys in the municipal criminal justice assistance account shall be distributed at such times as distributions are made under RCW 82.44.150. Such moneys shall be distributed to the cities of the state ratably on the basis of population as last determined by the office of financial management. No city may receive a distribution from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2), or the tax authorized in RCW 82.46.010(2); and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) of less than one hundred fifty percent of the state-wide average per capita yield for all cities and towns from such local sales and use tax.

(2) No city may receive more than one million dollars in any calendar year from the municipal criminal justice assistance account.

(3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes. Within thirty days following the close of the city's fiscal year, the city shall report to the state auditor the expenditures made under this section.

NEW SECTION. Sec. 104. The sum of nine million dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the state treasurer for a one-time distribution on July 1, 1990, on the ratable basis of population to those counties of the state whose crime rate exceeds one hundred fifteen percent of the state-wide average crime rate. The population of the county shall be as last determined by the office of financial management. "Crime rate," as used in this section, is the annual occurrence of specified criminal offenses, as calculated in the 1988 annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population. Moneys distributed under this section shall be expended exclusively for criminal justice purposes.

NEW SECTION. Sec. 105. The sum of one million seven hundred thousand dollars is appropriated from the general fund to the state treasurer for the biennium ending June 30, 1991, for distribution to cities not receiving a distribution under section 103 of this act which cities have a population of ten thousand or less as last determined by the office of financial management. Moneys received under this section shall be used exclusively for criminal justice purposes.

PART II

LOCAL CRIMINAL JUSTICE ADVISORY GROUP

NEW SECTION. Sec. 201. A new section is added to chapter 82.14 RCW to read as follows:

(1) The local criminal justice advisory group is created, composed of fifteen members as follows:

- (a) The director of community development or the director's designee;
- (b) The administrator for the courts or the administrator's designee;
- (c) The director of corrections or the director's designee;
- (d) The chief of the Washington state patrol or the chief's designee;
- (e) Two representatives of cities and towns, appointed by the governor from a list of at least four persons nominated by the association of Washington cities;
- (f) Two representatives of counties, appointed by the governor from a list of at least four persons nominated by the Washington state association of counties;
- (g) One representative of sheriffs and police chiefs, appointed by the governor from a list of at least two persons nominated by the Washington association of sheriffs and police chiefs;
- (h) One representative of prosecutors, appointed by the governor from a list of at least two persons nominated by the Washington association of prosecutors;
- (i) One representative of public defenders, appointed by the governor from a list of at least two persons nominated by the Washington defenders association;
- (j) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives; and
- (k) Two members of the senate, one from each of the two largest caucuses, appointed by the president of the senate.

(2) The legislative members shall be ex officio, nonvoting members of the advisory group and shall serve until their successors are appointed and qualified. Members of the advisory group appointed by the governor shall serve six-year terms. Vacancies on the advisory group shall be filled by appointment by the original appointing authority under this section. The advisory group shall elect a chairperson from among its members.

(3) The director of community development shall provide administrative and staff support for the advisory group.

NEW SECTION. Sec. 202. A new section is added to chapter 82.14 RCW to read as follows:

The advisory group shall recommend an allocation of moneys to cities, towns, and counties, as provided in section 102(1) of this act, to the director of community development. The advisory group shall consider the following:

(1) The impacts on the community and criminal justice system from exceptional criminal justice cases;

(2) The crime rate as measured in reported crime, and criminal filings of a jurisdiction experiencing exceptional criminal justice cases; and

(3) The available tax resources of a jurisdiction, including but not limited to the extent to which the jurisdiction is using all of its available taxing authority.

NEW SECTION. Sec. 203. A new section is added to chapter 82.14 RCW to read as follows:

(1) On or before January 1st of each year, as a condition of receiving funds under section 102 or 103 of this act, a city, town, or county shall file a criminal justice plan with the department of community development. A county and one or more cities in the county may file a joint

plan. The local criminal justice advisory group shall establish criteria for plans submitted under this subsection. The criminal justice plan shall include but not be limited to:

- (a) Current criminal justice activities of the city, town, or county;
- (b) Projected allocation of criminal justice resources, including the funds provided under section 102 or 103 of this act;
- (c) Efforts by the local government to coordinate strategies against crime and use of multijurisdictional, interlocal cooperative agreements, management efficiencies, and innovative approaches in addressing criminal justice problems;
- (d) Evidence of community-wide participation in the criminal justice planning process; and
- (e) Specific strategies to reduce criminal activity in the community.

(2) By December 1, 1990, the local criminal justice advisory group shall collect and submit to the legislative fiscal committees the following information:

(a) For the most recently available fiscal year, the expenditures by each county of the state for criminal justice purposes, expressed as a dollar amount and as a percentage of the county's total operating expenditures;

(b) For the most recently available fiscal year, the criminal justice expenditures by each county for each functional program area;

(c) The unused revenue authority of each county, including unused regular property tax authority and any taxing authority requiring voter approval, and the dollar amount that could be generated on an annual basis from each unused authority; and

(d) The available debt capacity of each county, including voter-approved debt, under any applicable debt limits.

(3) By December 1 1991, and annually thereafter, the local criminal justice advisory group shall prepare and submit to the appropriate committees of the legislature an annual report on the status of local criminal justice in the state. The report may include policy recommendations for dealing with criminal justice problems and issues. In preparing the report, the advisory group may seek assistance from appropriate state, federal, and local agencies and private sources.

NEW SECTION. Sec. 204. A new section is added to chapter 82.14 RCW to read as follows:

Sections 102 through 204 of this act shall expire June 30, 1995. The local criminal justice advisory group shall prepare a recommendation to the legislature on or before January 1, 1995, concerning the following:

(1) Whether or not the criminal justice funds allocated to cities, towns, and counties should continue and if so, to what extent, for what purposes, and for how long;

(2) Whether or not the motor vehicle excise tax should be earmarked for funding city, town, or county criminal justice programs and services and if so, to what extent, and for how long; and

(3) Any change, alteration, modification, or elimination of any aspect of this act regarding funding, source of revenues, or administration.

PART III

LOCAL SALES TAX DISTRIBUTIONS

Sec. 301. Section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 81, chapter 57, Laws of 1985 and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, metropolitan municipal corporations, and cities imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. All earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, metropolitan municipal corporations, and cities monthly.

Sec. 302. Section 7, chapter 94, Laws of 1970 ex. sess. as last amended by section 11, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.060 are each amended to read as follows:

~~((Bimonthly))~~ Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 303. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 5, chapter 106, Laws of 1990 and RCW 43.84.090 are each amended to read as follows:

Except as otherwise provided by RCW 43.250.030 ~~((and)), 67.40.025, and section 301 of this act~~, twenty percent of all income received from such investments shall be deposited in the state general fund.

Sec. 304. Section 51, chapter 57, Laws of 1985 as amended by section 12, chapter 419, Laws of 1989 and RCW 43.84.092 are each amended to read as follows:

Except as provided in RCW 43.84.090, all earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

~~((On or before July 20 of each year))~~ Except as provided in section 301 of this act, the state treasurer shall distribute ~~((and)), on or before July 20 of each year, the earnings credited to the treasury income account as of June 30 to the funds for the fiscal year in which it was earned. Except as otherwise provided by statute, the state treasurer shall credit the various accounts and funds in the state treasury their proportionate share of earnings based upon each fund's average daily balance for the period: PROVIDED, That earnings on the balances of the forest reserve fund, the federal forest revolving fund, the liquor excise tax fund, the treasury income account, the suspense account, the undistributed receipts account, the state payroll revolving account, the agency vendor payment revolving fund, the local leasehold excise tax account, and the local sales and use tax account shall be credited to the state treasurer's service fund: PROVIDED FURTHER, That earnings on the balances of the agency payroll revolving fund, the special fund salary and insurance contribution increase revolving fund and special fund semi-monthly payroll revolving fund shall be credited to the state general fund.~~

NEW SECTION. Sec. 305. Sections 301 through 304 of this act shall not be effective for earnings on balances prior to July 1, 1990, regardless of when a distribution is made.

PART IV

FIREMEN'S PENSION FUNDING

Sec. 401. Section 6, chapter 91, Laws of 1947 as last amended by section 2, chapter 319, Laws of 1987 and RCW 41.16.060 are each amended to read as follows:

It shall be the duty of the legislative authority of each municipality, each year ~~((as a part of its annual tax levy to levy and place in))~~ to transfer into the fund ~~((a tax of))~~ an amount of money equal to twenty-two and one-half cents per thousand dollars of the municipality's assessed value ((against all the taxable property of such municipality: PROVIDED, That)). However, if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of ~~((said dollar rate))~~ this amount of money is not necessary to maintain the actuarial soundness of the fund, the ~~((levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of said dollar rate may be levied and used for any other municipal purpose))~~ municipality need transfer to the fund only the amount that the actuary finds is necessary to maintain the actuarial soundness of the fund.

Further, it shall be the duty of the legislative authority of each municipality, each year ((as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.043 to levy and place in)) to transfer an additional amount of money into the fund ~~((an additional tax))~~ of up to an amount equal to twenty-two and one-half cents per thousand dollars of the municipality's assessed value ((against all taxable property of such municipality: PROVIDED, That)) if a report by a qualified actuary establishes that ~~((all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary))~~ such moneys are necessary to meet the estimated demands on the fund under this chapter for the ensuing budget year((the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose: PROVIDED FURTHER, That cities that have annexed to library districts according to RCW 27.12.360 through 27.12.395 and/or fire protection districts according to RCW 52.04.061 through 52.04.081 shall not levy this additional tax to the extent that it causes the combined levies to exceed the statutory or constitutional limits.

The amount of a levy under this section allocated to the pension fund may be reduced in the same proportion as the regular property tax levy of the municipality is reduced by chapter 84.55 RCW).

Sec. 402. Section 5, chapter 91, Laws of 1947 as last amended by section 3, chapter 296, Laws of 1986 and RCW 41.16.050 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments or donations given or paid thereto; (2) ~~((forty-five percent of all moneys received))~~ contributions made by the state from taxes on fire insurance premiums;

(3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by firemen as provided for herein.

Forty-five percent of the moneys received by the state from the insurance premiums tax on fire insurance premiums ((under the provisions of this chapter)) shall be distributed to cities, towns, and fire protection districts in the proportion that the number of ((paid)) retired firemen and widows or widowers in the city, town or fire protection district bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of ((paid)) firemen ((in the fire department in)) and former firemen who are eligible for benefits under chapter 41.16 or 41.18 RCW from such city, town or fire protection district together with the number of their widows and widowers who are eligible for such pension benefits and the number of former pension system members whose interests are being distributed to children of such members. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town and fire protection district coming under the provisions of this chapter his warrant, payable to each city, town or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town or fire protection district.

Annually, on or before the first day of September, any money remaining in the firemen's pension fund of a city, town, or fire protection district, that was obtained from distributions of the state insurance premiums tax on fire insurance premiums, shall be transferred to the state treasurer if no persons are eligible for pension benefits under chapter 41.16 or 41.18 RCW. The money so transferred to the state treasurer shall be distributed to cities, towns, and fire protection districts by the state treasurer, in the same manner as fire insurance premium tax receipts are distributed, when the next distribution of such fire insurance premium tax receipts is made.

NEW SECTION. Sec. 403. A new section is added to chapter 41.16 RCW to read as follows:

On or before the first day of November of each year, each municipality that has a pension system created under this chapter shall provide to the state actuary such information as the state actuary needs to analyze the fiscal condition of the retirement system.

NEW SECTION. Sec. 404. A new section is added to chapter 41.18 RCW to read as follows:

On or before the first day of November of each even-numbered year, each municipality that has a pension system created under this chapter shall provide to the state actuary such available information, including actuarial reports, as the state actuary needs to review the fiscal condition of the retirement system.

NEW SECTION. Sec. 405. A new section is added to chapter 44.44 RCW to read as follows:

The state actuary shall submit a report to the legislature on or before the first day of January of each odd-numbered year reviewing the fiscal condition of the retirement systems reported under sections 403 and 404 of this act.

PART V

UNCLAIMED PROPERTY

NEW SECTION. Sec. 501. A new section is added to chapter 63.29 RCW to read as follows:

A local government holding abandoned intangible property that is not forwarded to the department of revenue, as authorized under RCW 63.29.170, shall not be required to maintain current records of this property for longer than five years after the property is presumed to be abandoned, and at that time may archive records of this intangible property and transfer the intangible property to its general fund. However, the local government shall remain liable to pay the intangible property to a person or entity subsequently establishing its ownership of this intangible property.

Sec. 502. Section 19, chapter 179, Laws of 1983 and RCW 63.29.190 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under RCW 63.29.170, within six months after the final date for filing the report as required by RCW 63.29.170, shall pay or deliver to the department all abandoned property required to be reported. Counties, cities, towns, and other municipal and quasi-municipal corporations which hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, excess proceeds from property tax and irrigation district foreclosures, and property tax overpayments or refunds, may retain such funds until the owner notifies them and establishes ownership.

(2) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the department, and the property will no longer be presumed abandoned. In that case, the holder shall file with the department a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(3) Property reported under RCW 63.29.170 for which the holder is not required to report the name of the apparent owner must be delivered to the department at the time of filing the report.

(4) The holder of an interest under RCW 63.29.100 shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the department. Upon delivery of a duplicate certificate to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with RCW 63.29.200 to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the department, for any losses or damages resulting to any person by the issuance and delivery to the department of the duplicate certificate.

NEW SECTION, Sec. 503. Any funds covered by RCW 63.29.190 that were received by the state prior to the effective date of this section shall be retained by the state of Washington, and any such funds not remitted to the state prior to the effective date of this section may be retained as provided for under RCW 63.29.190.

PART VI PARKING VIOLATIONS

Sec. 601. Section 1, chapter 224, Laws of 1984 and RCW 46.16.216 are each amended to read as follows:

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations include only those violations for which notice has been received from local agencies by the department one hundred (~~thirty~~) twenty days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred (~~thirty~~) twenty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, and parking violations, or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, and parking violations exist, presents proof of payment and pays a (~~ten~~) fifteen dollar surcharge.

(2) The (~~ten dollar~~) surcharge shall be allocated as follows:

(a) (~~Five~~) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations, at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

Sec. 602. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 5, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of

notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that ~~((three))~~ two or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

PART VII

SALES TAX EQUALIZATION FOR NEW CITIES

Sec. 701. Section 22, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 83, chapter 57, Laws of 1985 and RCW 82.14.210 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.150(3)(b). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to ~~((April))~~ January 1st of each year the ~~((director))~~ department of revenue shall ~~((inform the state treasurer of))~~ determine the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.150(3)(a) multiplied by thirty-five sixty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection ~~((5))~~ (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection ~~((5))~~ (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city or town initially incorporated on or after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in (b) of this subsection until the new city has received a full year's worth of revenues under RCW 82.14.030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under (b) of this subsection receives its first equalization payment at the January, April, July, or October municipal sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(b) For purposes of calculating the amount of funds the new city should receive under subsection (3) of this section, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Pro rate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b)(iii) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the state-wide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3) ~~((or)), (4), or (5)~~ of this section, then the distributions under subsections (3) ~~((or)), (4), and (5)~~ of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3) ~~((and)), (4), and (5)~~ of this section to the cities.

~~((6))~~ (7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through ~~((4))~~ (5) of this section, then the additional revenues shall be apportioned among the several cities

within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

~~((7) For a city or town initially incorporated on or after January 1, 1983, at the time distributions are made under subsection (3) of this section, the state treasurer shall place into a separate designated account for such city or town a pro rata amount of the revenues received under RCW 82.44.150(3)(b) equal to the city's or town's population multiplied by the amount of equalization funds to which the city or town would be entitled if its per capita yield the previous calendar year were zero. Such account shall take effect on January 1st of the first full calendar year during which the city or town imposes the taxes authorized by RCW 82.14.030(1) and shall cease to exist on December 31st of that year.))~~

(8) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.

~~((At the time that sales and use tax distributions are made pursuant to RCW 82.14.060, the revenues in such designated account shall be added to the city's or town's sales and use tax distributions so as to provide to such city or town an amount which reflects what such jurisdiction's entitlement from the municipal sales and use tax equalization account would have been if the actual distributions of sales and use tax revenues to such city or town had been received the previous full calendar year. Any excess revenues remaining in such designated account upon its expiration shall be apportioned according to subsection (6) of this section. If the department of revenue determines during the year that any funds in the designated account are not necessary for the purposes of distribution under this subsection, the department may deposit those funds in the municipal sales and use tax equalization account to be apportioned according to subsection (6) of this section.))~~

PART VIII

JAIL PROCESSING COSTS

Sec. 801. Section 46, chapter 299, Laws of 1961 as last amended by section 1, chapter 169, Laws of 1988 and RCW 3.46.120 are each amended to read as follows:

(1) All money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid by the clerk to the city treasurer.

(2) The city treasurer shall remit monthly thirty-two percent of the money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel; PROVIDED, That "certain costs" shall include costs awarded against criminal defendants under RCW 10.01.160(2) or 10.46.190 for the expenses of processing defendants into and out of jail. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 802. Section 59, chapter 299, Laws of 1961 as last amended by section 2, chapter 169, Laws of 1988 and RCW 3.50.100 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) The city treasurer shall remit monthly thirty-two percent of the money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel; PROVIDED, That "certain costs" shall include costs awarded against criminal defendants under RCW 10.01.160(2) or 10.46.190 for the expenses of processing defendants into or out of jail. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 803. Section 106, chapter 299, Laws of 1961 as last amended by section 3, chapter 169, Laws of 1988 and RCW 3.62.020 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit thirty-two percent of the money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel; PROVIDED, That "certain costs" shall include costs awarded against criminal defendants under RCW 10.01.160(2) or 10.46.190 for the expenses of processing defendants into and out of jail. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

Sec. 804. Section 108, chapter 299, Laws of 1961 as last amended by section 4, chapter 169, Laws of 1988 and RCW 3.62.040 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) The city treasurer shall remit monthly thirty-two percent of the money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel; PROVIDED, That "certain costs" shall include costs awarded against criminal defendants under RCW 10.01.160(2) or 10.46.190 for the expenses of processing defendants into and out of jail. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

Sec. 805. Section 1, chapter 96, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 363, Laws of 1987 and RCW 10.01.160 are each amended to read as follows:

(1) The court ~~(may)~~ shall require a convicted defendant to pay costs whenever the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant. If costs are imposed, they shall include expenses incurred by the county in processing the defendant into and out of jail. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a convicted defendant to pay.

(3) ~~((The court shall not sentence a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.~~

(4)) A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170.

Sec. 806. Section 3, page 418, Laws of 1869 as last amended by section 1, chapter 248, Laws of 1977 ex. sess. and RCW 10.46.190 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace shall be liable to all the costs of the proceedings against him, including expenses incurred by the county in processing the defendant into and out of jail and, when tried by a jury in the superior court, a jury fee as provided for in civil actions, and when tried by a jury before a committing magistrate, twenty-five dollars for jury fee, for which judgment shall be rendered and collection had as in cases of fines. The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk, to be by him applied as the jury fee in civil cases is applied.

Sec. 807. Section 3, page 421, Laws of 1873 as last amended by section 5, chapter 169, Laws of 1988 and RCW 10.82.070 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) The county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit as provided under RCW 43.08.250 and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel; PROVIDED, That "certain costs" shall include costs awarded against criminal defendants under RCW 10.01.160(2) or 10.46.190 for expenses of processing defendants into or out of jail.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

Sec. 808. Section 147, page 124, Laws of 1854 as last amended by section 2, chapter 276, Laws of 1983 and RCW 10.82.030 are each amended to read as follows:

If any person ordered into custody until the fine and costs adjudged against him be paid shall not, within five days, pay, or cause the payment of the same to be made, the clerk of the court shall issue a warrant to the sheriff commanding him to imprison such defendant in the county jail until the amount of such fine and costs owing are paid. Execution may at any time issue against the property of the defendant for that portion of such fine and costs not reduced by the application of this section. The amount of such fine and costs owing shall be the whole of such fine and costs reduced by the amount of any portion thereof paid, and ~~((thirty-five))~~ sixty dollars for every day the defendant performs labor as provided in RCW 10.82.040, and ~~((twenty-five))~~ fifty dollars for every day the defendant does not perform such labor while imprisoned.

PART IX SIX-YEAR LEVIES

Sec. 901. Section 84.52.054, chapter 15, Laws of 1961 as last amended by section 2, chapter 133, Laws of 1986 and RCW 84.52.054 are each amended to read as follows:

Except as provided in RCW 84.52.056, every ballot proposition authorizing the imposition of property taxes, including the additional taxes provided for in ((subparagraph (a) of the seven-
teenth amendment to)) Article VII, section 2(a) of the state Constitution, as ((amended by
Amendment 59 and as thereafter)) amended, and specifically authorized by RCW 84.52.052, as
now or hereafter amended, and RCW 84.52.053 and 84.52.0531, shall be set forth in terms of
either dollars on the ballot of the proposition to be submitted to the voters, together with an
estimate of the dollar rate of tax levy that will be required to produce the dollar amount((;
and)), or in terms of a dollar rate of tax levy. If the additional tax is expressed in terms of
additional dollars, the county assessor, in spreading this tax upon the rolls, shall determine the
eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the
estimate of dollar rate of tax levy carried in said proposition. In the case of a ((school district))
proposition to authorize levies for a particular period of from two to six years, the tax for each
year shall be set forth in terms of either a dollar amount and the corresponding estimate of the
dollar rate of tax levy ((shall be set forth)), or a dollar rate of tax levy, for each of the years in
that period. The dollar amount or rate of tax levy for each annual levy in the particular period
may be equal or in different amounts.

Sec. 902. Section 10, chapter 153, Laws of 1957 as last amended by section 1, chapter 217, Laws of 1982 and RCW 17.28.100 are each amended to read as follows:

At the same election there shall be submitted to the voters residing within the district, for their approval or rejection, a proposition authorizing the mosquito control district, if formed, to

levy at the earliest time permitted by law on all taxable property located within the mosquito control district a general tax, for one year, of up to twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the mosquito control district. The proposition shall be expressed on the ballots in substantially the following form:

*ONE YEAR CENTS PER THOUSAND
DOLLARS OF ASSESSED VALUE LEVY

"Shall the mosquito control district, if formed, levy a general tax of cents per thousand dollars of assessed value for one year upon all the taxable property within said district in excess of the constitutional and/or statutory tax limits for authorized purposes of the district?

YES
NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended (~~by Amendment 59 and as thereafter amended~~).

Sec. 903. Section 4, chapter 64, Laws of 1959 as amended by section 3, chapter 195, Laws of 1973 1st ex. sess. and RCW 17.28.252 are each amended to read as follows:

A mosquito control district shall have the power to levy additional taxes in excess of the constitutional and/or statutory limitations for any of the authorized purposes of such district, not in excess of fifty cents per thousand dollars of assessed value per year for up to a six-year period when authorized so to do by the electors of such district by a three-fifths majority of those voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended (~~by Amendment 59 and as thereafter amended~~), at such time as may be fixed by the board of trustees for the district, which special election may be called by the board of trustees of the district, at which special election the proposition of authorizing such excess levy or levies shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing thereto to vote "No". Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election.

Sec. 904. Section 35.58.090, chapter 7, Laws of 1965 as amended by section 23, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.58.090 are each amended to read as follows:

The election on the formation of the metropolitan municipal corporation shall be conducted by the auditor of the central county in accordance with the general election laws of the state and the results thereof shall be canvassed by the county canvassing board of the central county, which shall certify the result of the election to the (~~board of~~) county (~~commissioners~~) legislative authority of the central county, and shall cause a certified copy of such canvass to be filed in the office of the secretary of state. Notice of the election shall be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. No person shall be entitled to vote at such election unless he is a qualified voter under the laws of the state in effect at the time of such election and has resided within the metropolitan area for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

*FORMATION OF METROPOLITAN
MUNICIPAL CORPORATION

Shall a metropolitan municipal corporation be established for the area described in a resolution of the board of commissioners of county adopted on the day of, 19 to perform the metropolitan functions of (here insert the title of each of the functions to be authorized as set forth in the petition or initial resolution).

YES
NO

If a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the metropolitan municipal corporation shall thereupon be established and the (~~board of commissioners~~) county legislative authority of the central county shall adopt a resolution setting a time and place for the first meeting of the metropolitan council which shall be held not later than thirty days after the date of such election. A copy of such resolution shall be transmitted to the legislative body of each component city and county and of each special district which shall be affected by the particular metropolitan functions authorized.

At the same election there shall be submitted to the voters residing within the metropolitan area, for their approval or rejection, a proposition authorizing the metropolitan municipal corporation, if formed, to levy at the earliest time permitted by law on all taxable property located within the metropolitan municipal corporation a general tax, for one year, of twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory

limitation for authorized purposes of the metropolitan municipal corporation. The proposition shall be expressed on the ballots in substantially the following form:

*ONE YEAR TWENTY-FIVE CENTS
PER THOUSAND DOLLARS OF
ASSESSED VALUE LEVY

Shall the metropolitan municipal corporation, if formed, levy a general tax of twenty-five cents per thousand dollars of assessed value for one year upon all the taxable property within said corporation in excess of the constitutional and/or statutory tax limits for authorized purposes of the corporation?

YES
NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended (~~by Amendment 59 and as thereafter amended~~).

Sec. 905. Section 9, chapter 105, Laws of 1967 and RCW 35.58.116 are each amended to read as follows:

The metropolitan council may at the same election called to authorize the performance of an additional function or at a special election called by the council after it has been authorized to perform any metropolitan function submit a proposition for the issuance of general obligation bonds for capital purposes as provided in RCW 35.58.450 or a proposition for the levy of a general tax or taxes for any authorized purpose for ~~((one year))~~ up to a six-year period in such total dollar amount or amounts, or rate or rates, as the metropolitan council may determine and specify in such proposition. Any such proposition to be effective must be assented to by ~~((at least three-fifths of the persons voting thereon and the number of persons voting on such proposition shall constitute not less than forty percent of the total number of votes cast within the metropolitan area at the last preceding state general election))~~ the voters of the metropolitan municipal corporation as provided in Article VII, section 2 (a) and (b) of the state Constitution, as amended. Any such proposition shall only be effective if the performance of the additional function shall be authorized at such election or shall have been authorized prior thereto.

Sec. 906. Section 35.61.210, chapter 7, Laws of 1965 as amended by section 25, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.61.210 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed seventy-five cents per thousand dollars of assessed value of the property in such park district: PROVIDED, That notwithstanding the provisions of RCW 84.52.050, and RCW 84.52.043 the board is hereby authorized to levy a general tax or taxes for up to a six-year period in excess of seventy-five cents per thousand dollars of assessed value when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns. The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants.

Sec. 907. Section 6, chapter 175, Laws of 1982 as last amended by section 25, chapter 186, Laws of 1984 and RCW 36.58.150 are each amended to read as follows:

(1) A solid waste disposal district shall not have the power to levy an annual levy without voter approval, but it shall have the power to levy a tax or taxes, in excess of the one percent limitation, upon the property within the district for up to a ~~((one year))~~ six-year period to be used for operating or capital purposes whenever authorized by the electors of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

A solid waste disposal district may issue general obligation bonds for capital purposes only, subject to the limitations prescribed in RCW 39.36.020(1), and may provide for the retirement of the bonds by voter-approved bond retirement tax levies pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such general obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW.

A solid waste disposal district may issue revenue bonds to fund its activities. Such revenue bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, such revenue bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 908. Section 11, chapter 303, Laws of 1983 and RCW 36.60.040 are each amended to read as follows:

A county rail district is not authorized to impose a regular ad valorem property tax levy but may:

(1) Levy an ad valorem property tax or taxes, in excess of the one percent limitation, upon the property within the district for up to a ((one-year)) six-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) Provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

Sec. 909. Section 9, chapter 218, Laws of 1963 as last amended by section 7, chapter 131, Laws of 1984 and RCW 36.68.480 are each amended to read as follows:

If the petition or resolution initiating the formation of the proposed park and recreation service area proposes that the initial capital or operational costs are to be financed by ~~((regular property tax levies for a six-year period as authorized by RCW 36.68.525, or))~~ an annual excess levy or levies, or that proposed capital costs are to be financed by the issuance of general obligation bonds and bond retirement levies, a proposition or propositions for such purpose or purposes shall be submitted to the voters of the proposed service area at the same election. A proposition or propositions for ~~((regular property tax levies for a six-year period as authorized by RCW 36.68.525,))~~ an annual excess levy or levies, or the issuance of general obligation bonds and bond retirement levies, may also be submitted to the voters at any general or special election.

Sec. 910. Section 13, chapter 218, Laws of 1963 as last amended by section 8, chapter 131, Laws of 1984 and by section 29, chapter 186, Laws of 1984 and RCW 36.68.520 are each reenacted and amended to read as follows:

(1) A park and recreation service area shall have the power to levy an annual excess levy or levies upon the property included within the service area if authorized at a special election called for the purpose in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052.

~~((This))~~ The excess levy or levies may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

(2) A service area may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the district. Such districts additionally may issue general obligation bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose in accordance with the provisions of Article VIII, section 6 of the Constitution. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Bonds may be retired by excess property tax levies when such levies are approved by the voters at a special election in accordance with the provisions of Article VII, section 2 of the Constitution and RCW 84.52.056.

Any elections shall be held as provided in RCW 39.36.050.

Sec. 911. Section 36.69.140, chapter 4, Laws of 1963 as last amended by section 30, chapter 186, Laws of 1984 and RCW 36.69.140 are each amended to read as follows:

A park and recreation district shall have the power to levy an excess levy or levies upon the property included within the district, in the manner prescribed by Article VII, section 2, of the Constitution and by RCW 84.52.052. Such excess levy or levies may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness equal to three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015. A park and recreation district may additionally issue general obligation bonds equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by three-fifths of the voters of the district at a general or special election called for that purpose and may provide for the retirement thereof by levies in excess of dollar rate limitations in accordance with the provisions of RCW 84.52.056. When authorized by the voters of the district, the district may issue interest bearing warrants payable out of and to the extent of excess levies authorized in the year in which the excess levy was approved. These elections shall be held as provided in RCW 39.36.050. Such bonds and warrants shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 912. Section 3, chapter 130, Laws of 1983 and RCW 36.83.030 are each amended to read as follows:

(1) A service district may levy an ad valorem property tax or taxes, in excess of the one percent limitation, upon the property within the district for up to a ~~((one-year))~~ six-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A service district may provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

Sec. 913. Section 4, chapter 210, Laws of 1941 as last amended by section 2, chapter 33, Laws of 1987 and RCW 56.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition, if the ~~((commissioners))~~ county legislative authority finds the proposed sewer system will be conducive to the public health, welfare, and convenience and be of special benefit to the land within the boundaries of the said proposed or reorganized district, ~~((they))~~ it shall by resolution call a special election to be held ~~((not less than thirty days and not more than sixty days from the date thereof))~~ at the next special election date occurring within forty-five or more days as specified under RCW 29.13.020, and shall cause to be published a notice of such election at least once a week for four successive weeks in a newspaper of general circulation in the county, setting forth the hours during which the polls will be open, the boundaries of the proposed or reorganized district as finally adopted, and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed or reorganized district. The proposition shall be expressed on the ballots in the following terms:

- Sewer District YES
- Sewer District NO

or in the reorganization of a district, the proposition shall be expressed on the ballot in the following terms:

- Sewer District Reorganization YES
- Sewer District Reorganization NO

giving in each instance the name of the district as decided by the board.

At the same election the county ~~((commissioners))~~ legislative authority shall submit a proposition to the voters, for their approval or rejection, authorizing the sewer district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the tax limitations provided by law, in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

- One year dollars and cents per thousand dollars of assessed value tax ... YES
- One year dollars and cents per thousand dollars of assessed value tax ... NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended ~~((by Amendment 59 and as thereafter amended))~~.

Sec. 914. Section 3, chapter 114, Laws of 1929 as last amended by section 4, chapter 33, Laws of 1987 and RCW 57.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition if one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and be of special benefit to the land therein, they shall by resolution call a special election to be held not less than thirty days from the date of the resolution, and cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the proposed district, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed district. In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:

- Water District YES
- Water District NO

giving the name of the district as provided in the petition.

At the same election a proposition shall be submitted to the voters, for their approval or rejection, authorizing the water district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the limitations provided by law, in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

- One year dollars and cents per thousand dollars of assessed value tax YES
- One year dollars and cents per thousand dollars of assessed value tax NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended (~~by Amendment 59 and as thereafter amended~~).

Sec. 915, Section 13, chapter 22, Laws of 1982 1st ex. sess. as amended by section 4, chapter 131, Laws of 1984 and RCW 67.38.130 are each amended to read as follows:

The governing body of a cultural arts, stadium and convention district may levy or cause to levy the following ad valorem taxes:

(1) (~~Regular ad valorem property tax levies in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the electors thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percentum of the total votes cast in such taxing district at the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting yes on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.~~

~~in the event a cultural arts, stadium and convention district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the one percent limitation provided for in Article VII, section 2, of our state Constitution result in taxes in excess of the limitation provided for in RCW 84.52.043, the cultural arts, stadium and convention district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced; PROVIDED, That no cultural arts, stadium, and convention district may pledge anticipated revenues derived from the property tax herein authorized as security for payments of bonds issued pursuant to subsection (1) of this section; PROVIDED, FURTHER, That such limitation shall not apply to property taxes approved pursuant to subsections (2) and (3) of this section.~~

~~The limitation in RCW 84.55.010 shall apply to levies after the first levy authorized under this section following the approval of such levy by voters pursuant to this section.~~

~~(2)) An annual excess ad valorem property tax or taxes for general district purposes when authorized by the district voters in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052.~~

~~((3)) (2) Multi-year excess ad valorem property tax levies used to retire general obligation bond issues when authorized by the district voters in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.056.~~

~~(The district shall include in its regular property tax levy for each year a sum sufficient to pay the interest and principal on all outstanding general obligation bonds issued without voter approval pursuant to RCW 67.38.110 and may include a sum sufficient to create a sinking fund for the redemption of all outstanding bonds;))~~

Sec. 916, Section 6, chapter 264, Laws of 1945 as last amended by section 59, chapter 186, Laws of 1984 and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights; PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper; PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the

available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed seventy-five cents per thousand dollars of assessed value or such further amount as has been or shall be authorized by a vote of the people: PROVIDED FURTHER, That the public hospital districts are hereby authorized to levy such a general tax or taxes in excess of said seventy-five cents per thousand dollars of assessed value when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax or taxes in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical

positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

Sec. 917. Section 15, chapter 238, Laws of 1967 as last amended by section 84, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.94.091 are each amended to read as follows:

An activated authority shall have the power to levy additional taxes in excess of the constitutional and/or statutory tax limitations for any of the authorized purposes of such activated authority, not in excess of twenty-five cents per thousand dollars of assessed value in each year for up to a ((year)) six-year period when authorized so to do by the electors of such authority by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended ~~((by Amendment 59 and as thereafter amended))~~. Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election. The expense of all special elections held pursuant to this section shall be paid by the authority.

Sec. 918. Section 84.52.010, chapter 15, Laws of 1961 as last amended by section 7, chapter 274, Laws of 1988 and RCW 84.52.010 are each amended to read as follows:

~~((Except as is permitted under RCW 84.55.050;))~~ All taxes shall be levied ~~((or voted))~~ in specific dollar amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, as now or hereafter amended, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law, subject to subsection (2)(e) of this section; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010; and

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, public hospital districts, metropolitan park districts, and library districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for cities and towns, fire protection districts under RCW 52.16.130, public hospital districts, metropolitan park districts, and library districts shall be adjusted as provided in RCW 84.52.0501; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.130, and the certified property tax levy rates of public hospital districts, metropolitan park districts, and library districts, shall be reduced on a pro rata basis or eliminated.

Sec. 919. Section 134, chapter 195, Laws of 1973 1st ex. sess. as last amended by section 36, chapter 378, Laws of 1989 and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and fifty-five cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; and (c) levies for acquiring conservation futures as authorized under RCW 84.34.230~~((and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069))~~.

Sec. 920. Section 18, chapter 1, Laws of 1988 ex. sess. as amended by section 4, chapter 53, Laws of 1989 and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts.

Any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, emergency medical service district, city, town, ~~((or))~~ cultural arts, stadium, ~~((transportation benefit district))~~ and convention district, or transportation benefit district may levy taxes at a rate or rates in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the ~~((electors))~~ voters of such ~~((county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, transportation benefit district, and convention))~~ taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as ~~((amended by Amendment 64 and as thereafter))~~ amended, at a special or general election to be held in the year in which the initial levy is made.

A special election may be called and the time therefor fixed by the ~~((county legislative authority, or council, board of commissioners, or other))~~ governing body of ~~((any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, transportation benefit district, city, town, or cultural arts, stadium, and convention))~~ such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy or levies shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

NEW SECTION, Sec. 921. A new section is added to chapter 84.52 RCW to read as follows:

(1) Any county, city, town, fire protection district, hospital district, or emergency medical services district that has received voter approval for a regular property tax levy under RCW 84.52.069 may continue to impose the levies for the duration of the period for which such levies were authorized. However, these levies shall be reduced or eliminated if regular property taxes exceed the limitation contained in RCW 84.52.050.

(2) This section shall expire January 1, 1998.

Sec. 922. Section 3, chapter 325, Laws of 1977 ex. sess. as last amended by section 103, chapter 2, Laws of 1987 1st ex. sess. and RCW 84.52.053 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state, as ~~((amended by Amendment 79 and as thereafter))~~ amended, at a special or general election to be held in the year in which the levy is made or, in the case of a proposition authorizing two-year through six-year levies for maintenance and operation support of a school district, or ~~((authorizing two-year through six-year levies))~~ to support the construction, modernization, or remodeling of school facilities, or both, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That once additional tax levies have been authorized for maintenance and operation support of a school district for a ~~((two-year))~~ period of from two to six years, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 923. Section 84.52.056, chapter 15, Laws of 1961 as last amended by section 104, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.056 are each amended to read as follows:

Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty percent of the voters in said municipal corporation who voted at the last preceding general state election.

Any taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitations provided for in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043.

The ballot proposition for the imposition of property taxes under this section shall indicate that approval is being sought for the imposition of excess property tax levies sufficient to retire the particular dollar value of general obligation bonds, and need not describe a dollar amount of the tax levies, nor the dollar rates of the tax levies.

Sec. 924. Section 7, chapter 138, Laws of 1987 as amended by section 6, chapter 274, Laws of 1988 and RCW 84.52.100 are each amended to read as follows:

(1) The governing body of any library district, public hospital district, metropolitan park district, or fire protection district may provide for the submission of a ballot proposition to the voters of the taxing district authorizing the taxing district to maintain its otherwise authorized tax levy rate, and authorizing an increase in the cumulative regular property tax limitation established in RCW 84.52.043 of five dollars and fifty-five cents per thousand dollars of assessed valuation within the taxing district, as provided in this section. A fire protection district may use this authority to increase its regular property tax levy up to fifty cents per thousand dollars of assessed valuation.

(2) A resolution by a governing body, requesting that a special election be called to submit such a ballot proposition to the voters, must be transmitted to the county legislative authority of the county, or county legislative authorities of the counties, within which the taxing district is located, at least forty-five days before the special election date at which the ballot proposition is submitted. The ballot proposition shall be worded substantially as follows:

"Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five consecutive year period allowing (insert the name of the taxing district) to maintain its otherwise statutory authorized property tax rate?"

The ballot proposition for a fire protection district shall be worded substantially as follows:

"Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five consecutive year period allowing (insert the name of the taxing district) to permit the fire protection district to impose its property tax at a value up to fifty cents per thousand dollars of assessed valuation?"

Approval of this ballot proposition by a simple majority vote shall authorize the following for the succeeding five consecutive year period: (a) Property tax rates of junior taxing districts are calculated first as if this proposition had not been approved; (b) subject to the one hundred

six percent limitation, the regular property tax rate of the taxing district receiving such authorization is increased to a level not exceeding the lesser of: (i) its maximum statutory authorized regular property tax rate; or (ii) whatever tax rate it otherwise would have been able to impose plus an additional thirty-five cents per thousand dollars of assessed valuation; and (c) the cumulative property tax rate limitation is increased within the boundaries of the taxing district receiving this authorization to an amount equal to five dollars and fifty-five cents per thousand dollars of assessed valuation plus the increased amount of the regular levy rate of this taxing district, but not to exceed five dollars and ninety cents per thousand dollars of assessed valuation.

(3) If two or more taxing districts that occupy a portion of the same territory receive such approval, the additional authorized taxing capacity above five dollars and fifty-five cents per thousand dollars of assessed valuation shall be distributed among these taxing districts by adjusting their levy rate requests in the same manner and under the same conditions as if they were the only taxing districts in the area subject to adjustment of their property tax rates and the levy rate adjustments were being made with the cumulative limitation of five dollars and fifty-five cents per thousand dollars of assessed valuation.

~~((4) Levies authorized under RCW 84.52.069 are not subject to the rate adjustments and the five dollar and ninety cent per thousand dollar of assessed valuation cumulative limitation on regular property tax rates established by this section.))~~

Sec. 925, Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 17, chapter 378, Laws of 1989 and RCW 84.69.020 are each amended to read as follows:

Ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or

(8) Paid or overpaid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same with respect to real property in which the person paying the same has no legal interest; or

(9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or

(10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or

(11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 ~~((Amendment 59))~~ of the state Constitution, as amended, equal one percent of the assessed value established by the board;

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12).

The county treasurer of each county shall, by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. Sec. 926. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 131, Laws of 1984 and RCW 29.30.111;
- (2) Section 9, chapter 131, Laws of 1984 and RCW 36.68.525;
- (3) Section 18, chapter 210, Laws of 1981, section 6, chapter 131, Laws of 1984 and RCW 36.69.145; and

(4) Section 1, chapter 200, Laws of 1979 ex. sess., section 5, chapter 131, Laws of 1984, section 1, chapter 348, Laws of 1985 and RCW 84.52.069.

PART X
INITIATIVE 62 REVISIONS

Sec. 1001. Section 6, chapter 1, Laws of 1980 and RCW 43.135.060 are each amended to read as follows:

(1) (a) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the state. The amount of increased revenue that is received or could be received by a taxing district as a result of legislative enactments after 1979 shall be included as reimbursement under this section.

(b) The legislature finds that adequate resources have been provided to all taxing districts and further reimbursement is thus not required for new programs and increased levels of service under existing programs required by the state through July 1, 1990.

(2) (That proportion of state tax revenue which consists of direct state appropriations to taxing districts taken as a group shall not be decreased below that proportion appropriated in the biennium immediately preceding January 1, 1980; PROVIDED: This proportion shall be decreased in any fiscal year only if: (a) The legislature decreases the state tax revenue limit for that fiscal year by an amount equal to the dollar amount of any decrease in direct state appropriations to taxing districts taken as a whole, or (b) the state tax revenue limit has been increased under RCW 43.135.050(3) or 43.135.060(3) and the decrease of the proportion is commensurate with the increase in the state tax revenue limit.

(3) If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(4) (3) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.

Sec. 1002. Section 2, chapter 19, Laws of 1977 ex. sess. as last amended by section 16, chapter 125, Laws of 1984 and RCW 43.132.020 are each amended to read as follows:

(1) The director of financial management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other political subdivisions of the state. The office of financial management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a "fiscal note". Fiscal notes under this chapter shall be given the same priority as fiscal notes relating to state revenues and expenditures under chapter 43.88A RCW.

(2) Such fiscal notes shall indicate by fiscal year the total impact on the subdivisions involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other political subdivisions.

(3) A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A legislator also may request that such a fiscal note be revised to reflect the impact of proposed amendments or substitute bills. Fiscal notes shall be completed within seventy-two hours of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of financial management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of community development, the daily report shall also include the date and time such referral was made.

(4) A fiscal note as defined in this section shall be prepared for any bill, substitute bill, or amendment that substantially imposes responsibility for new programs or increased levels of service under existing programs on any unit of local government. A fiscal note under this subsection shall be completed before the bill, substitute bill, or amendment becomes law.

PART XI
GAS TAX RECONCILIATION

Sec. 1101. Section 82.44.110, chapter 15, Laws of 1961 as last amended by section 306, chapter 42, Laws of 1990 and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(1) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(2) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(3) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(4) 8.83 percent into the general fund to be distributed under RCW 82.44.---- (section 309, chapter 42, Laws of 1990).

(5) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(6) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(7) ~~((7+))~~ 63.91 percent into the general fund through June 30, 1993, and ~~((66))~~ 58.91 percent into the general fund beginning July 1, 1993.

(8) 5 percent into the transportation fund created in RCW 82.44.---- (section 312, chapter 42, Laws of 1990) beginning July 1, 1993.

(9) 5.89 percent into the county criminal justice assistance account created in section 102 of this act through June 30, 1995, and into the general fund beginning July 1, 1995.

(10) 1.20 percent into the municipal criminal justice assistance account created in section 103 of this act through June 30, 1995, and into the general fund beginning July 1, 1995.

The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

Sec. 1102. Section 22, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 314, chapter 42, Laws of 1990 and RCW 82.14.210 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.110(5). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to ~~((April))~~ January 1st of each year the ~~((director))~~ department of revenue shall ~~((inform the state treasurer of))~~ determine the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.---- (section 309, chapter 42, Laws of 1990), multiplied by thirty-five sixty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection ~~((5))~~ (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection ~~((5))~~ (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city or town initially incorporated on or after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in (b) of this subsection until the new city has received a full year's worth of revenues under RCW 82.14.030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under (b) of this subsection receives its first equalization payment at the January, April, July, or October municipal

sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(b) For purposes of calculating the amount of funds the new city should receive under subsection (3) of this section, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Pro rate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b)(iii) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the state-wide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3) ((or)), (4), or (5) of this section, then the distributions under subsections (3) ((or)), (4), and (5) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3) ((and)), (4), and (5) of this section to the cities.

((6)) (7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through ((4)) (5) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

((7) For a city or town initially incorporated on or after January 1, 1983, at the time distributions are made under subsection (3) of this section, the state treasurer shall place into a separate designated account for such city or town a pro rata amount of the revenues received under RCW 82-44-110(5) equal to the city's or town's population multiplied by the amount of equalization funds to which the city or town would be entitled if its per capita yield the previous calendar year were zero. Such account shall take effect on January 1st of the first full calendar year during which the city or town imposes the taxes authorized by RCW 82.14.030(1) and shall cease to exist on December 31st of that year.))

(8) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.

((At the time that sales and use tax distributions are made pursuant to RCW 82.14.060, the revenues in such designated account shall be added to the city's or town's sales and use tax distributions so as to provide to such city or town an amount which reflects what such jurisdiction's entitlement from the municipal sales and use tax equalization account would have been if the actual distributions of sales and use tax revenues to such city or town had been received the previous full calendar year. Any excess revenues remaining in such designated account upon its expiration shall be apportioned according to subsection (6) of this section. If the

department of revenue determines during the year that any funds in the designated account are not necessary for the purposes of distribution under this subsection, the department may deposit those funds in the municipal sales and use tax equalization account to be apportioned according to subsection (6) of this section:))

PART XII
MISCELLANEOUS

NEW SECTION. Sec. 1201. (1) The sum of five hundred thousand dollars is appropriated from the county criminal justice assistance account to the prosecution assistance revolving account for distribution under section 102(1) of this act.

(2) The sum of twenty-four million dollars is appropriated from the county criminal justice assistance account to the state treasurer for the biennium ending June 30, 1991, for distribution under section 102(2) of this act.

(3) The sum of five million dollars is appropriated from the municipal criminal justice assistance account to the state treasurer for the biennium ending June 30, 1991, for distribution under section 103 of this act.

NEW SECTION. Sec. 1202. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1203. Sections 101 and 701 of this act shall expire September 1, 1990.

NEW SECTION. Sec. 1204. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except:

(1) Sections 101 through 204, and 801 through 808 of this act shall take effect July 1, 1990;

(2) Sections 1101 and 1102 of this act shall take effect September 1, 1990;

(3) Sections 401 through 405, 601, and 602 of this act shall take effect January 1, 1991; and

(4) Sections 901 through 926 of this act shall take effect January 1, 1991, if the proposed constitutional amendment to Article VII, section 2, of the state Constitution, that permits the levying of property tax levies in excess of the one percent limitation for up to six consecutive years, is validly submitted to and is approved and ratified by the voters at a general election held in November, 1990.*

MOTION

Senator Fleming moved that the following amendment by Senators Fleming and Vogniid to the striking amendment by Senators Anderson and Barr be adopted:

On page 22, after line 36, insert the following:

*PART VIII

LOCAL GOVERNMENT TAXING AUTHORITY

Sec. 801. Section 3, chapter Laws of 1990 (SSB 6639) and RCW 82.46.--- are each amended to read as follows:

(1) Subject to subsection (2) of this section, the ~~((legislative authority))~~ governing body of any city or county may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not to exceed three quarters of one percent of the selling price. The proceeds of the tax shall be used exclusively for one or more of the following purposes:

(a) The acquisition and maintenance of conservation areas as defined in RCW ---,--- (section 2 of SSB 6639);

(b) Any criminal justice activity, including but not limited to, jails and correctional facilities, courts, law enforcement, prosecution, public defense, probation, and community service by offenders; and

(c) Financing projects for the planning, acquisition, and construction of parks, streets and roads, common schools, water systems, or storm and sanitary sewage systems that are necessary to service impacts associated with growth.

(2) The taxes imposed under this subsection shall be imposed in the same manner and on the same occurrences, and are subject to the same conditions, as the taxes under chapter 82.45 RCW(~~except~~:

~~(a) The tax shall be the obligation of the purchaser; and~~

~~(b) The tax does not apply to the acquisition of conservation areas by the county.~~

~~The county may enforce the obligation through an action of debt against the purchaser or may foreclose the lien on the property in the same manner prescribed for the foreclosure of mortgages).~~

(3) The tax shall take effect thirty days after the election at which the taxes are authorized.

~~((2))~~ (4) No tax may be imposed under subsection (1) of this section unless approved by a majority of the voters of the county or city voting thereon for a specified period, purpose, and maximum rate after:

(a) The adoption of a resolution by the ~~((county legislative authority))~~ governing body of the county or city proposing this action; or

(b) The filing of a petition proposing this action (~~((with the county auditor, which petition is))~~) signed by ~~((county))~~ voters at least equal in number to ten percent of the total number of voters in the county or city who voted at the last preceding general election.

(5) The ballot proposition shall be submitted to the voters ~~((of the county))~~ at the next general election occurring at least sixty days after a petition is filed, or at any special election prior to this general election that has been called for such purpose by the ~~((county legislative authority))~~ governing body.

~~((3))~~ A plan for the expenditure of the excise tax proceeds shall be prepared by the county legislative authority at least sixty days before the election if the proposal is initiated by resolution of the county legislative authority, or within six months after the tax has been authorized by the voters if the proposal is initiated by petition. Prior to the adoption of this plan, the elected officials of cities located within the county shall be consulted and a public hearing shall be held to obtain public input. The proceeds of this excise tax must be expended in conformance with this plan.

~~((4))~~ (6) As used in this section, ~~((“conservation area” has the meaning given under section 2 of this act))~~ “city” means city or town.

Sec. 802, Section 15, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.050 are each amended to read as follows:

The taxes levied under RCW 82.46.010 or 82.46.--- (section 1 of this act) are the obligation of the seller and may be enforced through an action of debt against the seller or in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.”

Renumber remaining parts and sections consecutively.

Debate ensued.

MOTION TO LIMIT DEBATE

Senator Newhouse moved that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time and that the limit on debate shall be in effect through the end of the First Special Session.

The President declared the question before the Senate to be the motion by Senator Newhouse to limit debate through the end of the First Special Session.

The motion by Senator Newhouse carried and debate will be limited through the First Special Session.

Further debate on the amendment to the striking amendment ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Fleming and Vognild on page 22, after line 6, to the striking amendment by Senators Anderson and Barr to Senate Bill No. 6909.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 27.

Debate on the striking amendment by Senators Anderson and Barr ensued.

POINT OF INQUIRY

Senator Smitherman: “Senator Fleming, in looking over the lists of cities that were to be aided by this, I did see Gig Harbor in there and I was very pleased, but I did not see Port Orchard. I was wondering if there was some reason for that.”

Senator Fleming: “Senator Smitherman, I don’t have all my lists in front of me, but I think the reason that it is not shown is that it probably--you are looking at the list of ten thousand or less. It is probably on the list related to crime and you probably got money elsewhere. It is either on that list or it is on the list that didn’t get anything and I’ll try and share that list with you later.”

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Anderson and Barr to Senate Bill No. 6909.

The motion by Senator Anderson carried and the striking amendment to Senate Bill No. 6909 was adopted.

MOTIONS

On motion of Senator Newhouse the following title amendment was adopted:

On page 1, line 2 of the title, after "assistance;" insert "amending RCW 82.14.050, 82.14.060, 43.84.090, 43.84.092, 41.16.060, 41.16.050, 63.29.190, 46.16.216, 46.20.270, 82.14.210, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 10.01.160, 10.46.190, 10.82.070, 10.82.030, 84.52.054, 17.28.100, 17.28.252, 35.58.090, 35.58.116, 35.61.210, 36.58.150, 36.60.040, 36.68.480, 36.69.140, 36.83.030, 56.04.050, 57.04.050, 67.38.130, 70.44.060, 70.94.091, 84.52.010, 84.52.043, 84.52.052, 84.52.053, 84.52.056, 84.52.100, 84.69.020, 43.135.060, 43.132.020, 82.44.110, and 82.14.210; reenacting and amending RCW 36.68.520; adding a new section to chapter 82.44 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new section to chapter 44.44 RCW; adding new sections to chapter 63.29 RCW; adding a new section to chapter 84.52 RCW; repealing RCW 29.30.111, 36.68.525, 36.69.145, and 84.52.069; creating new sections; making appropriations; providing an expiration date; providing effective dates; providing a contingent effective date; and declaring an emergency."

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 6909 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6909.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6909 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED SENATE BILL NO. 6909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:27 p.m., on motion of Senator Newhouse, the Senate recessed until 7:00 p.m.

The Senate was called to order at 7:11 p.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6114.

On motion of Senator Newhouse, Senate Bill No. 6114 was placed on the second reading calendar.

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6114, by Senator McDonald

Relating to corrections.

The bill was read the second time.

MOTION

Senator McDonald moved that the following amendment by Senator Hayner be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature recognizes that unique impacts may be felt by some communities as a result of families relocating to be near incarcerated offenders and that the state has an obligation to mitigate inordinate impacts by payment of mitigation funds to local governments.

NEW SECTION, Sec. 2. Subject to appropriation, the department of corrections shall provide mitigating funds to counties where state correctional institutions are located. The department shall provide mitigation funds based on the number of families of inmates living in close proximity to the correctional institution. An amount of two thousand five hundred dollars per inmate family per year shall be paid to the counties in which the correctional institution is located. The county, in its discretion, may share the funds with cities or towns in which the correctional institution is located. The procedure for applying for such compensation, the time frames, and method of payment shall be established by the office of financial management by July 1, 1991.

NEW SECTION, Sec. 3. This act shall take effect July 1, 1991.

NEW SECTION, Sec. 4. Sections 1 and 2 of this act shall constitute a new chapter in Title 72 RCW."

POINT OF INQUIRY

Senator Niemi: "Senator Talmadge, in your opinion, is a work-release facility a state correctional institution?"

Senator Talmadge: "My belief is that it is, Senator Niemi. In fact, RCW 72.65.010 defines state correctional institutions and 75.65.020 indicates that work-release facilities would, I believe, qualify as state correctional institutions for purposes of this legislation."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hayner to Senate Bill No. 6114.

The motion by Senator McDonald carried and the striking amendment by Senator Hayner was adopted.

MOTION

On motion of Senator Hayner, the following title amendment was adopted:

On page 1, line 1 of the title, after "corrections" insert "; adding a new chapter to Title 72 RCW; and providing an effective date"

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 6114 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senators Fleming and McMullen were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6114.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6114 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Matson - 1.

Excused: Senators Fleming, McMullen - 2.

ENGROSSED SENATE BILL NO. 6114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

March 29, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 29, 1990, Governor Gardner approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 5993

Relating to trade and economic development.

Substitute Senate Bill No. 6182

Relating to fire protection district service charges.

Senate Bill No. 6189

Relating to boundary review boards.

Substitute Senate Bill No. 6191

Relating to the Washington state trauma care system.

Substitute Senate Bill No. 6326

Relating to Puget Sound water quality.

Senate Bill No. 6411

Relating to investment in human capital.

Second Substitute Senate Bill No. 6418

Relating to rural health care.

Second Substitute Senate Bill No. 6537

Relating to dependent children.

Second Substitute Senate Bill No. 6610

Relating to at-risk youth.

Substitute Senate Bill No. 6626

Relating to higher education.

Substitute Senate Bill No. 6764

Relating to community support for education.

Second Substitute Senate Bill No. 6832

Relating to the study of the juvenile rehabilitation system.

Senate Bill No. 6839

Relating to the protection of the Kettle River.

Senate Bill No. 6897

Relating to department of transportation facilities bonds.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

FURTHER MESSAGE FROM THE GOVERNOR

March 30, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 30, 1990, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 6639

Relating to real estate excise taxes for the acquisition of local conservation areas.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 5882

March 29, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 3, Second Substitute Senate Bill No. 5882 entitled:

"AN ACT Relating to reckless, negligent, and inattentive driving."

Section 1 of the bill makes the crime of reckless driving a gross misdemeanor punishable by imprisonment of up to one year and by a fine of up to five thousand

dollars. Increased penalties for this serious traffic offense should be a useful tool to prosecutors, police and judges.

Section 2 provides a 90-day maximum jail sentence for the less serious traffic offense of negligent driving. Currently, negligent driving is not punishable by imprisonment. While the overall intent of this bill is to provide judges with more options through increased penalties, this particular change fails to accomplish the intended result. It is counterproductive to increase the penalty for negligent driving while at the same time trying to reduce the number of cases that are plea-bargained from DWI and reckless driving to negligent driving. Of additional concern is the drain on resources associated with this change. Emphasis must be placed on providing the jail space and law enforcement personnel to assure convictions and stiff sentences for our most serious criminal and traffic offenders. I encourage the Legislature, working together with local officials, to pursue comprehensive solutions for our criminal justice system.

Section 3 creates a new traffic infraction of inattentive driving. The definition of this new infraction potentially punishes behavior where no erratic driving is present and thus creates enforcement problems for the police. Existing specific violations are adequate and this infraction is unnecessary.

For the reasons stated, I have vetoed sections 2 and 3.

With the exception of sections 2 and 3, Second Substitute Senate Bill No. 5882 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6190

March 29, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Substitute Senate Bill No. 6190 entitled:

"AN ACT Relating to prevention of health injuries."

Section 5 requires the Department of Health to establish a state-wide trauma registry to collect information on the incidence, severity and causes of traumatic brain injury. This registry is to identify and track major brain injury cases from onset through rehabilitation or recovery, and is to keep specific statistics on helmet and non-helmet, motorcycle-related head and neck injuries. This section would also require the Department of Health to report to the Legislature on the feasibility of expanding the registry to include information on minor brain injuries.

This bill contains an appropriation of \$49,000 to the Department of Health for all the purposes of this act. The Department's estimate of the fiscal impact of section 5 alone is nearly \$500,000. I cannot in good conscience sign into law a program which will put the Department of Health at such a fiscal risk.

However, I am signing into law Substitute Senate Bill No. 6191. Substitute Senate Bill No. 6191 requires the Department of Health to establish a state-wide data registry to collect and analyze data on the incidence, severity, and causes of trauma, including traumatic brain injury. That provision is more comprehensive than section 5 of Substitute Senate Bill No. 6190. It is very likely that if adequately funded, the Department could collect the information required by section 5 of Substitute Senate Bill No. 6190 in the overall trauma registry of Substitute Senate Bill No. 6191.

For the reasons stated, I have vetoed section 5.

With the exception of section 5, Substitute Senate Bill No. 6190 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
Legislature of the State of Washington
Olympia, Washington

Mr. President:

We respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the official veto messages of the Governor setting forth his objections to the sections or items of each of the bills as required by Article III, section 12, of the Washington State Constitution:

Sections 48, 55, 76, and 87 of Substitute Senate Bill No. 6663, the remainder of which has been designated Chapter 250, Laws of 1990;

Section 4 of Substitute Senate Bill No. 6664, the remainder of which has been designated Chapter 264, Laws of 1990;

Sections 1, 2, 4, 5, and 6 of Substitute Senate Bill No. 6306, the remainder of which has been designated Chapter 268, Laws of 1990;

Section 5 of Substitute Senate Bill No. 6190, the remainder of which has been designated Chapter 270, Laws of 1990;

Sections 2 and 3 of Second Substitute Senate Bill No. 5882, the remainder of which has been designated Chapter 291, Laws of 1990.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington, at Olympia, this thirtieth day of March, 1990.

(Seal)

RALPH MUNRO, Secretary of State

EDITOR'S NOTE: The Governor's messages on the partial veto of Substitute Senate Bill No. 6663, Substitute Senate Bill No. 6664 and Substitute Senate Bill No. 6306 were read in on the twenty-first day of the First Special Session, March 29, 1990. The Governor's messages on the partial veto of Substitute Senate Bill No. 6190 and Second Substitute Senate Bill No. 5882 were read in earlier today.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6663 was referred to the Committee on Transportation.

On motion of Senator Newhouse, Substitute Senate Bill No. 6664 was referred to the Committee on Economic Development and Labor.

On motion of Senator Newhouse, Substitute Senate Bill No. 6306 was referred to the Committee on Higher Education.

On motion of Senator Newhouse, Substitute Senate Bill No. 6190 was referred to the Committee on Health and Long-Term Care.

On motion of Senator Newhouse, Second Substitute Senate Bill No. 5882 was referred to the Committee on Law and Justice.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 6091, deferred on third reading earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6091.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6091 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Smitherman, Thorsness, von Reichbauer, West - 27.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Rasmussen, Rinehart, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 20.

Excused: Senators Fleming, McMullen - 2.

ENGROSSED SENATE BILL NO. 6091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate returned to the fifth order of business.

On motion of Senator Newhouse, the Senate resumed consideration of Second Substitute House Bill No. 2379 which was held on the Introduction and First Reading Calendar, March 9, 1990.

On motion of Senator Newhouse, the rules were suspended, Second Substitute House Bill No. 2379 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2379, by Committee on Appropriations (originally sponsored by Representatives Peery, Betrozoff, Dorn, Jacobsen, Hargrove, Holland, Van Luven, P. King, H. Myers, Kirby, Wineberry, Ebersole, May, Ferguson and Rasmussen) (by request of Governor Gardner)

Creating student enrollment options programs.

The bill was read the second time.

MOTION

Senator Bailey moved that the following amendment by Senators Bailey, Rinehart, Hayner and Vognild be adopted:

Strike everything after the enacting clause and insert the following:

*LEARNING BY CHOICE

PART I

FAMILY INVOLVEMENT

NEW SECTION. Sec. 101. The legislature finds that academic achievement of Washington students can and should be improved. The legislature further finds that student success depends, in large part, on increased parental involvement in their children's education.

In order to take another step toward improving education in Washington, it is the purpose of this act to enhance the ability of parents to exercise choice in where they prefer their children attend school; inform parents of their options under local policies and state law for the intradistrict and interdistrict enrollment of their children; and provide additional program opportunities for secondary students.

PART II

FAMILY CHOICE

Sec. 201. Section 28A.58.240, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 130, Laws of 1969 and RCW 28A.225.220 are each amended to read as follows:

(1) Any board of directors may make agreements with adults ((wishing)) choosing to attend school ((or with the directors of other districts for the attendance of children in the school district of either as may be best accommodated therein)); PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) School districts may establish annual transfer fees for nonresident students enrolled under subsection (3) of this section and section 203 of this 1990 act. Until rules are adopted under section 202 of this 1990 act for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall

pay any transfer fees for low-income students assessed by districts under this section. All (~~tuition money~~) transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a (~~tuition charge~~) transfer fee as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 202. TRANSFER FEE STUDY. (1) The superintendent of public instruction shall provide the legislature and the governor by December 1, 1990, a recommendation on the method for the calculation of a transfer fee and an estimate of the state funds needed to pay any transfer fee for low-income students assessed by districts under RCW 28A.225.220(6). The superintendent shall indicate the low-income eligibility criteria used in developing the cost estimate.

(2) This section expires December 31, 1990.

NEW SECTION. Sec. 203. A new section is added to Title 28A RCW to read as follows:
INTERDISTRICT TRANSFER PROCEDURES. (1) All districts accepting applications from non-resident students for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

Sec. 204. Section 1, chapter 66, Laws of 1975 1st ex. sess. as last amended by section 236, chapter 33, Laws of 1990 and RCW 28A.225.230 are each amended to read as follows:

(1) The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to a nonresident school district (~~by an agreement~~) pursuant to RCW 28A.225.220 may be appealed to the superintendent of public instruction or his or her designee: PROVIDED, That the school district of proposed transfer is willing to accept the student.

(2) The superintendent of public instruction or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the resident district to release such a student who is under the age of twenty-one years (~~in the event he or she or his or her designee finds that a special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian may likely be significantly alleviated as a result of the transfer~~) if the requirements of RCW 28A.225.220 have been met. The decision of the superintendent of public instruction may be appealed to superior court pursuant to chapter 34.05 RCW, the administrative procedure act, as now or hereafter amended.

(3) The decision of a school district to deny the request for accepting the transfer of a non-resident student under section 203 of this 1990 act may be appealed to the superintendent of public instruction or his or her designee. The superintendent or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the district to accept the nonresident student if the district did not comply with the standards and procedures adopted under section 203 of this 1990 act. The decision of the superintendent of public instruction may be appealed to the superior court under chapter 34.05 RCW.

NEW SECTION. Sec. 205. A new section is added to Title 28A RCW to read as follows:

INTRADISTRICT TRANSFER POLICIES. Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its own policy establishing standards on how the intradistrict enrollment options will be implemented.

NEW SECTION. Sec. 206. A new section is added to Title 28A RCW to read as follows:

ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES. Eligibility of transfer students under RCW 28A.225.220 and section 203 of this act for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association as authorized by the state board of education.

NEW SECTION. Sec. 207. A new section is added to Title 28A RCW to read as follows:

INFORMATION BOOKLET. (1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215.

28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and RCW 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under sections 401 through 411 of this act; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

NEW SECTION. Sec. 208. A new section is added to Title 28A RCW to read as follows:

INFORMATION ABOUT ENROLLMENT OPTIONS. Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request.

NEW SECTION. Sec. 209. A new section is added to Title 28A RCW to read as follows:

IMPACT ON EXISTING COOPERATIVE ARRANGEMENTS. Any school district board of directors may make arrangements with the board of directors of other districts for children to attend the school district of choice. Nothing under RCW 28A.225.220 and section 203 of this act is intended to adversely affect agreements between school districts in effect on the effective date of this section.

NEW SECTION. Sec. 210. **REPORTS.** (1) The superintendent of public instruction shall collect and maintain information on student transfers for each district and state-wide under RCW 28A.225.220 and section 203 of this act.

(2) The superintendent of public instruction shall report to the legislature and the governor annually beginning December 1, 1992, the following information:

(a) The number of and reason or reasons for requests for transfer out of a district;

(b) The number of and reason or reasons for the denial of a request to transfer out of a district;

(c) The number of and reason or reasons for requests for transfer into a district; and

(d) The number of and reason or reasons for the denial of a request to transfer into a district.

NEW SECTION. Sec. 211. **TRANSPORTATION AND INFORMATION BOOKLET STUDIES.** The superintendent of public instruction shall make recommendations to the legislature and governor no later than December 1, 1990, on the following issues:

(1) If a child attends a nonresident district, shall the parent provide transportation to the nonresident district boundary or the boundary of the nonresident school;

(2) What would be the cost of providing a subsidy for transportation to the nonresident district boundary or the boundary of the nonresident school for low-income students; and

(3) Shall the information booklet outlined in section 207 of this act be distributed to all parents annually or made available to parents at the district office, school buildings, and public libraries, and what is the cost of each option?

PART III

SEVENTH AND EIGHTH GRADE CHOICE

Sec. 301. Section 6, chapter 278, Laws of 1984 as last amended by section 1, chapter 172, Laws of 1988 and RCW 28A.230.090 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:

| SUBJECT | CREDITS |
|---|---------|
| English | 3 |
| Mathematics | 2 |
| Social Studies | |
| United States history and government | 1 |
| Washington state history and government | 1/2 |
| Contemporary world history, geography, and problems | 1 |
| Science (1 credit must be in laboratory science) | 2 |
| Occupational Education | 1 |
| Physical Education | 2 |
| Electives | 5 1/2 |
| Total | 18 |

(2) For the purposes of this section one credit is equivalent to one year of study.

(3) The Washington state history and government requirement may be fulfilled by students in grades seven or eight or both. Students who have completed the Washington state history and government requirement in grades seven or eight or both shall be considered to have fulfilled the Washington state history and government requirement.

(4) A candidate for graduation must have in addition earned a minimum of 18 credits including all required courses. These credits shall consist of the state requirements listed above and such additional requirements and electives as shall be established by each district.

(5) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically re-evaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(6) Pursuant to any foreign language requirement established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in sign language shall be considered to have satisfied the state or local school district foreign language graduation requirement.

(7) If requested by the student and his or her family, a student who has completed high school courses while in seventh and eighth grade shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(8) Students who have taken and successfully completed high school courses under the circumstances in subsection (7) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection (7) of this section shall also apply to students enrolled in high school on the effective date of this section who took the courses while they were in seventh and eighth grade.

PART IV

RUNNING START—COMMUNITY COLLEGE AND VOCATIONAL-TECHNICAL INSTITUTE CHOICE

NEW SECTION. Sec. 401. As used in sections 401 through 410 of this act, community college means a public community college as defined in chapter 28B.50 RCW.

NEW SECTION. Sec. 402. (1) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may apply to a community college or vocational-technical institute to enroll in courses or programs offered by the community college or vocational-technical institute. If a community college or vocational-technical institute accepts a secondary school pupil for enrollment under this section, the community college or vocational-technical institute shall send written notice to the pupil, the pupil's school district, and the superintendent of public instruction within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) The pupil's school district shall transmit to the community college or vocational-technical institute a sum not exceeding the amount of state funds under RCW 28A.150.260 generated by a full time equivalent student and in proportion to the number of hours of instruction the pupil receives at the community college or vocational-technical institute and at the high school. The community college or vocational-technical institute shall not require the pupil to pay any other fees. The funds received by the community college or vocational-technical institute from the school district shall not be deemed tuition or operating fees and may be retained by the community college or vocational-technical institute. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state on the community colleges.

NEW SECTION. Sec. 403. A school district shall provide general information about the program to all pupils in grades ten and eleven and the parents and guardians of those pupils. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in community college or a vocational-technical institute courses for credit. Students are responsible for applying for admission to the community college or vocational-technical institute.

NEW SECTION. Sec. 404. A pupil who enrolls in a community college or a vocational-technical institute in grade eleven may not enroll in postsecondary courses under sections 401 through 410 of this act for high school credit and community college or vocational-technical institute credit for more than the equivalent of the course work for two academic years. A pupil who first enrolls in a community college or vocational-technical institute in grade twelve may not enroll in postsecondary courses under this section for high school credit and community college or vocational-technical institute credit for more than the equivalent of the course work for one academic year.

NEW SECTION. Sec. 405. Once a pupil has been enrolled in a postsecondary course, program, or vocational-technical institute under this section, the pupil shall not be displaced by another student.

NEW SECTION. Sec. 406. A pupil may enroll in a course under sections 401 through 410 of this act for both high school credit and community college or vocational-technical institute credit.

NEW SECTION. Sec. 407. A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in a community college or vocational-technical institute shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at a community college or vocational-technical institute.

NEW SECTION. Sec. 408. Any state institution of higher education may award postsecondary credit for courses successfully completed by a student while in high school and taken at a community college or vocational-technical institute. The state institution of higher education shall not charge a fee for the award of the credits.

NEW SECTION. Sec. 409. Transportation to and from the community college or vocational-technical institute is not the responsibility of the school district.

NEW SECTION. Sec. 410. The superintendent of public instruction, the state board for community college education, and the higher education coordinating board shall jointly develop and adopt rules governing sections 401 through 409 of this act, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under sections 401 through 409 of this act.

NEW SECTION. Sec. 411. (1) Sections 401 through 410 of this act may be implemented in up to five community college districts during the 1990-91 and 1991-92 school years. Any school district within any of the selected community college districts may participate in the program. The five community college districts shall be selected from applicants by the state board for community college education. The board shall select community college districts from both eastern and western Washington. Sections 401 through 410 of this act are applicable throughout the state beginning with the 1992-93 school year. Participation by community college districts under sections 401 through 410 of this act is in addition to agreements between school districts and community college districts in effect on the effective date of this section and in the future.

(2) Sections 401 through 410 of this act may be implemented in all vocational-technical institutes beginning with the 1990-91 school year and shall be implemented in all vocational-technical institutes in the 1991-92 school year.

NEW SECTION. Sec. 412. Sections 401 through 411 of this act are in addition to and not intended to adversely affect agreements between school districts and community college districts or vocational-technical institutes in effect on the effective date of this section and in the future.

Sec. 413. Section 2, chapter 257, Laws of 1981 as last amended by section 1, chapter 42, Laws of 1986 and RCW 28B.15.067 are each amended to read as follows:

(1) Tuition fees shall be established and adjusted annually under the provisions of this chapter beginning with the 1987-88 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. Tuition fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts prescribed in this chapter. The change from the biennial tuition fee adjustment to an annual tuition fee adjustment shall not reduce the amount of revenue to the state general fund.

(2) The tuition fees established under this section shall not apply to high school students enrolling in community colleges under sections 401 through 411 of this 1990 act.

NEW SECTION. Sec. 414. Sections 401 through 412 of this act are each added to Title 28A RCW.

NEW SECTION. Sec. 415. (1) The running start task force is created. The task force shall be comprised of at least one representative from each of the following groups, appointed by the respective groups except as provided under subsection (2) of this section:

- (a) The higher education coordinating board;
- (b) The state board for community college education;
- (c) The office of the superintendent of public instruction;
- (d) The state board of education;
- (e) The inter-institutional council of academic officers;
- (f) Vocational-technical institutes;
- (g) High school students;
- (h) Parents;
- (i) The office of the governor; and
- (j) One legislator from each caucus of the house of representatives appointed by the speaker of the house of representatives and one legislator from each caucus of the senate appointed by the president of the senate.

(2) The governor shall appoint the members under subsection (1)(f) through (i) of this section within thirty days of the effective date of this section. The governor may appoint other persons to serve on the task force. The task force shall elect a chair from among its members.

(3) Legislative members shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) The task force shall study and report to the legislature by June 1, 1991, on, but not limited to, whether the program should be expanded to allow the eligible high school students to enroll in public four-year higher education institutions.

(5) This section shall expire June 30, 1991.

PART V

MISCELLANEOUS

NEW SECTION. Sec. 501. CAPTIONS AND HEADINGS NOT LAW. Part headings and section headings do not constitute any part of the law.

NEW SECTION. Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 503. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Murray moved that the following amendment by Senators Murray, Rinehart and Lee to the striking amendment by Senators Bailey, Rinehart, Hayner and Vognild be adopted:

On page 2, line 18 of the amendment, insert a new subsection to read as follows:

"(4) A district may deny the request of a resident student to transfer to a nonresident district if the resident district can show the transfer would jeopardize the district's existing program offerings;"

Reumber the remaining subsections accordingly.

MOTION

On motion of Senator Murray, and there being no objection, the amendment of page 2, line 18, by Senators Murray, Rinehart and Lee to the striking amendment by Senators Bailey, Rinehart, Hayner and Vognild was withdrawn.

MOTION

Senator Murray moved that the following amendments to the striking amendment by Senators Bailey, Rinehart, Hayner and Vognild be considered simultaneously and be adopted:

On page 6, line 25, after ":" strike "and"

On page 6, line 27, after "district" insert ";

(e) The impact, if any, on a district's educational program as a result of the transfer of a student or students to another district"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments on page 6, lines 25 and 27, by Senator Murray to the striking amendment by Senators Bailey, Rinehart, Hayner and Vognild to Second Substitute House Bill No. 2379.

The motion by Senator Murray carried and the amendments to the striking amendment were adopted.

MOTIONS

On motion of Senator Lee, the following amendments by Senators Lee, Bailey and Hayner to the striking amendment by Senators Bailey, Rinehart, Hayner and Vognild were considered simultaneously and were adopted:

On page 10, line 20 of the amendment, strike "community college" and insert "college level academic and vocational"

On page 11, line 1 of the amendment, after "for" insert "college level academic and vocational or vocational-technical institute"

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Bailey, Rinehart, Hayner and Vognild, as amended, to Second Substitute House Bill No. 2379.

Debate ensued.

The striking amendment by Senators Bailey, Rinehart, Hayner and Vognild, as amended, to Second Substitute House Bill No. 2379 was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "options;" strike the remainder of the title and insert "amending RCW 28A.225.220, 28A.225.230, 28A.230.090, and 28B.15.067; adding new sections to Title 28A RCW; creating new sections; and declaring an emergency."

On motion of Senator Nelson, the rules were suspended, Second Substitute House Bill No. 2379, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rinehart: "Senator Bailey, does this striking amendment provide automatic transfer upon a parents' request?"

Senator Bailey: "No, districts are strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district."

Senator Rinehart: "When is a school district required to release a student to another district?"

Senator Bailey: "No. 1. A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

No. 2. Attendance in the nonresident district is more accessible to the parents' place of work or to the location of child care; or

No. 3. There is a special hardship or detrimental condition."

Senator Rinehart: "Is the striking amendment intended to retain some authority for districts to deny a request for transfer?"

Senator Bailey: "Yes."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Bailey, the thing that I have to ask you now is whether or not this document that we have on our desks is addressing the concerns that the rural school districts of this state have--legitimately--when the subject first came before us? If it doesn't, then what we ought to do is--we have a document that we could send out and get everyone throughout the state involved in taking a look at how Choice could be developed--where it really does help the educational processes of this state. I am just questioning you now as to whether or not those people that said 'no' know what is in this bill and would accept it based upon the discussions that you have had in this short interim that we have been involved with it?"

Senator Bailey: "Thank you, Senator Patterson, we have had a public hearing on a very similar measure to this. We have changed a few words from the public hearing that we had on this measure and I think that we will find that this will measure up to what some of the schools in your area would like to see, because we have put in here that cooperative school districts are important to the state of Washington and we wanted to continue that program and it is continued in this Choice Bill.

"To say that this is going to solve the education needs of the state of Washington would be incorrect, and I am not saying it and I don't think that those of us who are sponsoring this amendment to the bill are saying it. What we are saying is that we are building on the transfer statute of the state of Washington and we think that that will have some--while not a large benefit--will have some benefit on the school system of the state of Washington. We will continue--our education committee in the Senate--will continue to look at those issues that we originally brought before this body. Those issues are the need for additional dollars for small school districts in the state of Washington. I don't think that goes away. We will also be looking at the Magnet School Program."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, you can make this just a yes or no, because I want a couple of minutes to talk. If you would kindly answer me--mostly on our educational issues, we have a demand from some source. Have you had any of the school directors or members of the school directors association request this legislation?"

Senator Bailey: "No."

Senator Rasmussen: "Did anybody else interested in education request this?"

Senator Bailey: "Yes."

Senator Rasmussen: "Like whom?"

Senator Bailey: "Senator Hayner."

Senator Rasmussen: "She left the floor. She was afraid you were going to use her name in vain. Thank you, Senator Bailey."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House No. 2379, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2379, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Nelson, Patrick, Rinehart, Saling, Smith, Smitherman, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams - 28.

Voting nay: Senators Amondson, Barr, Bender, Cantu, Conner, Matson, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rasmussen, Sellar, Stratton, Talmadge, Wojahn - 18.

Absent: Senator Vognild - 1.

Excused: Senators Fleming, McMullen - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2379, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate returned to the fifth order of business.

On motion of Senator Newhouse, the Senate resumed consideration of Substitute House Bill No. 3035 which was held on the Introduction and First Reading Calendar, March 29, 1990.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 3035 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3035, by Committee on Appropriations (originally sponsored by Representatives Inslee, Baugher, Rayburn, Rector, Haugen, Ebersole and Rasmussen)

Funding the construction and expansion of jail facilities in Yakima County.

The bill was read the second time.

MOTIONS

On motion of Senator Newhouse, the following amendment by Senators Newhouse and Matson was adopted:

On page 1, beginning on line 4, strike "one million eight hundred thousand" and insert "three million"

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 3035, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Gaspard: "Senator McDonald, as you know that we have been, for the past three weeks, trying to hammer out a compromise position on the budget and I am looking at this bill that we are about to pass and I don't recall that we have brought this measure up in our conference committee and it is an additional appropriation that had not been considered. Could you tell me out of which box of yours that this money would come out of?"

Senator McDonald: "Actually, Senator Gaspard, this is coming out of the state building and construction account which is part of the capital budget and not a subject of the negotiations that we have on the operating budget.

"We did discuss it in our conference committee when Representatives Locke and Ebersole informed us that Representative Inslee was running this bill on the floor. I suspect that Representative Locke and I and you and Representative Ebersole ought to sit down and talk about the capital budget as well and how that is going to be funded, but I, for one, would be in favor of this bill and hope that you will be as well."

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, this is a very worthwhile project and I agree with you and we may want to put some of ours over there unless we can get an appropriation for an extra three or four million. What I wanted to ask was that we moved from one million eight hundred thousand in one bill and the sum of one million and so much there and then we bounced up to three million. Where did they find out--both bills--one had one million eight hundred and one had one million and now the amendment says three million?"

Senator Newhouse: "As I mentioned in my previous remarks, Senator Rasmussen, the one million dollar appropriation for operation, I do not intend to pursue this evening."

Senator Rasmussen: "But, the additional three million is just for construction?"

Senator Newhouse: "It is for construction and is necessary because of the added costs they find in looking over the existing facilities. It is just an old store building and some people say it might better be torn down and start over again, rather than try and make a jail facility out of it and they certainly need better engineering and architectural services at this point."

Senator Rasmussen: "You know that we have suggested to the Governor that he use an airplane carrier for the prisons? They have the capability of holding five thousand people on an airplane carrier. It is a little hard to get it over to Yakima, however. I'll support your help on the jail."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 3035, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3035, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Gaspard - 1.

Absent: Senator Vognild - 1.

Excused: Senators Fleming, McMullen - 2.

SUBSTITUTE HOUSE BILL NO. 3035, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Substitute Senate Bill No. 6624.

On motion of Senator Newhouse, Substitute Senate Bill No. 6624 was placed on the third reading calendar.

On motion of Senator Newhouse, the rules were suspended and Substitute Senate Bill No. 6624 was returned to second reading.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6624, by Committee on Ways and Means (originally sponsored by Senators McDonald and Stratton) (by request of Office of Financial Management)

Changing provisions relating to the family independence program.

The bill was read the second time.

MOTION

Senator Smitherman moved that the following amendments by Senators Smitherman and Metcalf be considered simultaneously and be adopted:

On page 12, after line 5, insert the following:

*Sec. 6. Section 18, chapter 434, Laws of 1987 and RCW 74.21.180 are each amended to read as follows:

The department shall establish rules for the determination of financial need and the treatment of income of enrollees consistent with this section.

(1) Income and resources shall be reasonably evaluated and cannot be considered available to an applicant or recipient unless actually available.

(2) The following shall be excluded as income in family independence program eligibility and need determinations and the granting of benefits in any of the following categories under the family independence program shall not result in a change in determination of eligibility and/or need in months subsequent to the month of initial determination of eligibility and need: The value of medical benefits, child care, higher education benefits, earned income tax credit, income tax refunds, any housing subsidy, energy assistance, the earnings of a child, retroactive family independence program benefits, the child support exempted by 42 U.S.C. Sec. 657(b) or 42 U.S.C. Sec. 602(a)(8)(vi), and any benefit or moneys that any provision of federal law in effect on January 1, 1988, excludes from being considered income for eligibility for aid to families with dependent children or food stamps or other exclusions which Congress may hereafter enact.

(3) The executive committee may direct the department to establish methods for evaluating what portion of income is considered gross income for persons whose income is earned over a longer period of time than the period in which it is received and for measuring the gross income of self-employed persons."

ReNUMBER remaining sections consecutively and correct any internal references accordingly.

On page 14, after line 4, insert the following:

*NEW SECTION. Sec. 7. Section 6 of this act shall apply retrospectively as of July 1, 1989, to all persons receiving benefits under the family independence program on or after July 1, 1989."

ReNUMBER remaining sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6624 was deferred.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Senate Bill No. 5371

On motion of Senator Newhouse, Engrossed Senate Bill No. 5371 was placed on the third reading calendar.

On motion of Senator Newhouse, the rules were suspended and Engrossed Senate Bill No. 5371 was returned to second reading.

SECOND READING

ENGROSSED SENATE BILL NO. 5371, by Senators Gaspard, Bailey and Bauer

Establishing an award for excellence in teacher preparation.

The bill was read the second time.

MOTION

Senator Bailey moved that the following amendment by Senators Gaspard, Bauer and Bailey be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Sections 2 through 5 of this act may be known and cited as the Washington award for excellence in teacher preparation act.

NEW SECTION, Sec. 2. (1) The state board of education shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the state board of education.

NEW SECTION, Sec. 3. The award for the teacher educator shall include:

(1) A certificate presented to the teacher educator by the governor, the president of the state board of education, and the superintendent of public instruction at a public ceremony; and

(2) A grant to the professional education advisory board of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under section 5 of this act.

NEW SECTION, Sec. 4. The state board of education shall adopt rules under chapter 34.05 RCW to carry out the purposes of sections 2 through 5 of this act. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation. The state board of education is encouraged to consult with teacher educators, deans, and professional education advisory board members in developing the selection criteria. The criteria shall include any role performed by nominees relative to implementing innovative developments by the nominee's teacher preparation program and efforts the nominee has made to assist in communicating with legislators, common school teachers and administrators and others about the nominee's teacher preparation program.

NEW SECTION, Sec. 5. The professional education advisory board for the institution from which the teacher educator has been selected to receive an award shall be eligible to apply for an educational grant as provided under section 3 of this act. The state board of education shall award the grant after the state board has approved the grant application as long as the written grant application is submitted to the state board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

NEW SECTION, Sec. 6. The legislature finds that excellence in teacher preparation requires increased cooperation and coordination between institutions of higher education and school districts as it relates to the preparation of students into the profession of teaching. The legislature further finds that an increase in the level of such cooperation and coordination in selecting, training, and supervising excellent "cooperating" teachers, and the development of new school and university partnerships, will be beneficial to the teaching profession, and will enhance the ability of all new teachers to perform at a more competent level during their initial teaching experience.

NEW SECTION, Sec. 7. The excellence in teacher preparation program is hereby created to improve the quality of teacher preparation by providing cooperating teachers for all student teachers during their student teaching internship. The superintendent of public instruction shall adopt rules to establish and operate the excellence in teacher preparation program. The program shall provide that:

(1) Cooperating teachers shall be appointed by school districts in a joint selection process with the institutions of higher education, and shall hold a continuing professional certificate;

(2) All student teacher interns from a regionally accredited institution of higher education whose professional education preparation program has been approved by the state board of education shall be provided a cooperating teacher for up to two academic quarters;

(3) Cooperating teachers shall provide a source of continuing and sustained assistance, training, and support and shall be involved in evaluations and recommendations to the institutions of higher education respecting the competency of the student teacher intern. Cooperating teachers shall collaborate with their school principals respecting the support, training, and assistance they provide under this program;

(4) Salary stipends for cooperating teachers shall be paid through supplemental contracts as provided in the state operating appropriations act; and

(5) The institutions of higher education, in consultation with the superintendent of public instruction, may provide workshops for training cooperating teachers, subject to appropriations in the state operating appropriations act.

NEW SECTION, Sec. 8. Sections 6 and 7 of this act shall take effect when funds are appropriated by the legislature.

NEW SECTION, Sec. 9. Sections 1 through 7 of this act are each added to Title 28A RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. The sum of two thousand five hundred dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the superintendent of public instruction for the purpose of section 5 of this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Gaspard, Bauer and Bailey to Engrossed Senate Bill No. 5371.

The motion by Senator Bailey carried and the striking amendment by Senators Gaspard, Bauer and Bailey was adopted.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "preparation;" strike the remainder of the title and insert "adding new sections to Title 28A RCW; making an appropriation; and providing a contingent effective date."

On motion of Senator Bailey, the rules were suspended, Reengrossed Senate Bill No. 5371 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Senate Bill No. 5371.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 5371 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Fleming, Matson, McMullen - 3.

REENGROSSED SENATE BILL NO. 5371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6624 and the pending amendments by Senators Smitherman and Metcalf on page 12, after line 5, and on page 14, after line 4, deferred earlier today.

MOTION

On motion of Senator Smitherman, and there being no objection, the amendments by Senators Smitherman and Metcalf on page 12, after line 5, and on page 14, after line 4, were withdrawn.

MOTIONS

On motion of Senator McDonald, the following amendments were considered simultaneously and were adopted:

On page 5, line 13, after "the children" strike "only are" and insert "residing with caretakers other than the children's parents are the only individuals"

On page 6, after line 6, insert the following:

"(3) The executive committee is authorized to transfer cases from the family independence program to the aid for families with dependent children program in circumstances where the dependent children residing with caretakers other than the children's parents are the only individuals eligible for benefits under chapter 74.04 RCW."

On page 10, beginning on line 31, after "(2)" strike all material down to and including "(3)" on page 12, line 1

On page 14, beginning on line 13, after "act." strike all material down to and including "act." on line 14

On motion of Senator Nelson, the rules were suspended. Engrossed Substitute Senate Bill No. 6624 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, where do we stand in that money that the feds were going to require us to pay back?"

Senator McDonald: "According to Mr. Thompson, Director of DSHS, they are still in negotiations on that. I think there is a very strong possibility that we may take the federal government to court on this and I think that Mr. Thompson has left that option open. So, it is not resolved. I suspect that there will be ten to fifteen and maybe even more millions of dollars required to make us whole."

Senator Rasmussen: "But, this will allow them to tighten the program up, yet keep it operating?"

Senator McDonald: "That is correct. It will allow the Governor to have the flexibility to tighten it up."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6624.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6624 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Fleming, Matson, McMullen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:41 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:00 p.m., Saturday, March 31, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Saturday, March 31, 1990

The Senate was called to order at 1:00 p.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Conner, Fleming and Sutherland. On motion of Senator Bender, Senator Fleming was excused.

The Sergeant at Arms Color Guard, consisting of Senate staff members Kim Merriman and Cori Williamson, presented the Colors. Sister Georgette Bayless, director of pastoral care, St. Peter Hospital of Olympia, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Patterson, the following resolution was adopted:

SENATE RESOLUTION 1990-8779

by Senators Patterson, Hayner, Nelson, McCaslin, Saling, Stratton, Hansen, Fleming, Murray, Newhouse, Gaspard and Benitz

WHEREAS, An esteemed Washington institution of higher learning, Washington State University, is celebrating its one hundredth anniversary this year; and

WHEREAS, On March 28, 1890, Governor Elisha Ferry signed legislation establishing the Washington State Agricultural College and School of Science; and

WHEREAS, From a most humble beginning, this institution has evolved into a respected member of the nation's collegiate fraternity; and

WHEREAS, From a single building, Washington State University has flourished to include its vast Pullman campus, three satellite campuses in Spokane, Vancouver and the Tri-Cities and individual degree programs in Seattle and Yakima; and

WHEREAS, There are now seven separate colleges within the Washington State University system: Agricultural Science and Home Economics, Arts and Sciences, Education, Engineering and Architecture, Business and Economics, Pharmacy and Veterinary Medicine, and Nursing; and

WHEREAS, From its original student body of a mere handful, WSU now has seventeen thousand eight hundred students registered for this one hundredth year; and

WHEREAS, WSU students over the past one hundred years have earned one hundred twenty-five thousand degrees and certificates; and

WHEREAS, WSU has an unsurpassed reputation in the area of agricultural research and provides a vital community service to the state through its cooperative extension offices and research stations; and

WHEREAS, The university's research into such areas as wood products and wheat and wine production have resulted in inestimable benefits to the state of Washington; and

WHEREAS, WSU has made Cougar Gold one of the best known and best loved cheeses in the world; and

WHEREAS, Sports fans from all parts of the state have thrilled to the excitement of the Washington State Cougars in action; and

WHEREAS, The momentous occasion of Washington State University's one hundredth anniversary will be marked by a Crimson and Gray Day celebration in Seattle and a Centennial Gala in Pullman;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors Washington State University for its eminent and unforgettable history and looks with pride toward its secure future as an enduring leader in education; and

BE IT FURTHER RESOLVED, That the Washington State Senate extends its sincerest congratulations to Washington State University President Sam Smith, the Board of Regents and WSU faculty and students on the occasion of the university's one hundredth birthday; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the President of Washington State University and to the members of the University's Board of Regents.

MOTIONS

On motion of Senator Newhouse, the Senate reverted to the fifth order of business.

On motion of Senator Newhouse, the Senate resumed consideration of Senate Concurrent Resolution No. 8448 which was held on the Introduction and First Reading Calendar, March 29, 1990.

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8448 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8448, by Senator Hayner

Permitting consideration of Engrossed Substitute Senate Bill No. 6412 during special session.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Newhouse, the following amendment by Senator McDonald was adopted:

On page 1, line 3, after "4442," strike "Senate Bill No. 6114, relating to corrections" and insert "Engrossed Substitute Senate Bill No. 6412, relating to acquisition of wildlife and recreation lands"

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8448 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, our calendar keeps growing like Pinocchio's nose. I thought we had a cut-off resolution many days ago that said, 'This is it.' We keep expanding the calendar. Can you tell me how that happens?"

Senator Newhouse: "The calendar has actually diminished a good deal in the last twenty-four hours, Senator Rasmussen. With the addition of this bill, we are now down to four measures on our calendar, plus the budget and the growth management issues. At this point, we have no intent of adding anymore, but several of the bills that we have added, and acted on, had to do with the implementation of the budget."

The President Pro Tempore declared the question before the Senate to be the adoption of Engrossed Senate Concurrent Resolution No. 8448.

Engrossed Senate Concurrent Resolution No. 8448 was adopted by voice vote.

MOTION

At 1:13 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:06 p.m. by President Pro Tempore Bluechel.

MOTION

At 3:06 p.m., on motion of Senator Sellar, the Senate was declared to be at ease.

The Senate was called to order at 7:33 p.m. by President Pritchard.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Rinehart, the following resolution was adopted:

SENATE RESOLUTION 1990-8780

by Senators Rinehart, Williams, Talmadge, Murray, Vognild, Moore, Gaspard, Warnke, Bender, DeJarnatt, Kreidler, Niemi and Madsen

WHEREAS, The Washington State Senate seeks to recognize and honor significant achievements made by Washington's citizens in the world of scholarship and education; and

WHEREAS, Professor Emeritus Giovanni Costigan of the University of Washington was an eminent scholar, distinguished historian, and educator of world renown; and

WHEREAS, Dr. Costigan joined the faculty of the University of Washington in 1933, and retired in 1975, after forty-one years as a strong academic and political influence over students and faculty; and

WHEREAS, Dr. Costigan's powerful vision of history and incisive sense of social justice touched the lives of the thousands of Washington residents who attended his popular classes and lectures; and

WHEREAS, After retirement, Dr. Costigan continued to draw hundreds of people to his UW Alumni Association lectures; and

WHEREAS, Dr. Costigan wrote scholarly books, articles, and conducted engaging telecourses that motivated many people to delve deeper into the study of history; and

WHEREAS, The splendid teaching ability of Dr. Costigan and his unique vision and penetrating insights inspired generations of students of history to think more deeply about the effects of their actions on the direction of history; and

WHEREAS, Dr. Giovanni Costigan passed away Saturday, March 24 1990;

NOW THEREFORE, BE IT RESOLVED, That the Washington State Senate wishes to extend condolences to the family of Dr. Giovanni Costigan and to recognize and applaud Dr. Costigan's noted achievements in scholarship and teaching; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Dr. Giovanni Costigan.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 31, 1990

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 5371, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 31, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2230, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 31, 1990

Mr. President:

The House has adopted ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 31, 1990

Mr. President:

The House concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 2379 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 31, 1990

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8449 with the following amendment:

On page 1, line 7, after "corrections," insert "Substitute House Bill No. 2230, school employees benefit plans."

and the concurrent resolution and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Engrossed Senate Concurrent Resolution No. 8449.

The President declared the question before the Senate to be the adoption of Engrossed Senate Concurrent Resolution No. 8449, as amended by the House.

Engrossed Senate Concurrent Resolution No. 8449, as amended by the House, was adopted by voice vote.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5371,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8449.

There being no objection, the President returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6912 by Senators Rasmussen, Nelson and Metcalf

AN ACT Relating to hazardous waste recordings; adding a new section to chapter 70.105D RCW; and adding a new section to chapter 90.76 RCW.

Referred to Committee on Environment and Natural Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2230 by Committee on Appropriations (originally sponsored by Representative Locke)

Establishing standards for benefit plans for school district employees.

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 2230 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Senate Bill No. 6906, deferred on second reading March 28, 1990.

SECOND READING

SENATE BILL NO. 6906, by Senator Nelson

Making minor adjustments to chapter 3, Laws of 1990, concerning criminal offenders.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6906 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Anderson, Senator Matson was excused.

On motion of Senator Bender, Senator Conner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6906.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6906 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Sutherland - 1.

Excused: Senators Conner, Fleming, Matson - 3.

SENATE BILL NO. 6906, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute Senate Bill No. 6412.

On motion of Senator Newhouse, Engrossed Substitute Senate Bill No. 6412 was placed on the third reading calendar.

MOTION

At 7:48 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 8:52 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 31, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6624, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 31, 1990

Mr. President:

The Speaker has signed SECOND SUBSTITUTE HOUSE BILL NO. 2379, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 31, 1990

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5371,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 27, 1990

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4445, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 30, 1990

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8446, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

At 8:54 p.m., on motion of Senator Newhouse, the Senate adjourned until 2:00 p.m., Sunday, April 1, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-FOURTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, April 1, 1990

The Senate was called to order at 2:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, DeJarnatt, Fleming, Matson, McCaslin, Smith and West. On motion of Senator Anderson, Senators Matson, McCaslin, Smith and West were excused. On motion of Senator Bender, Senators Conner, DeJarnatt and Fleming were excused.

The Sergeant at Arms Color Guard, consisting of Senate staff members Phil Moeller and John Colwill, presented the Colors. Sister Georgette Bayless, director of pastoral care, St. Peter Hospital of Olympia, offered the prayer.

MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6624.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE HOUSE BILL NO. 2379
HOUSE CONCURRENT RESOLUTION NO. 4445.

MESSAGE FROM THE GOVERNOR
VETO MESSAGE ON SENATE BILL NO. 6253

March 31, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6253 entitled:
"AN ACT Relating to the regulatory taking of private property by state government."

This bill sets a bad precedent by attempting to turn a complex and changing legal area into an overly simplistic administrative checklist. The bill also sends a very threatening message to agencies regarding the regulation of land use for health, safety and environmental protection. In addition, it creates an administrative process intended, but legally unable, to replace a current judicial process.

While it is true that both the state and U.S. Constitutions prohibit the "taking" of property without just compensation, it is not true that any regulation of land amounts to a "taking." More importantly, should a regulation amount to a constitutional infringement on someone's property rights, the analysis may well be that of a violation of due process, rather than a "taking", in which case the remedy is invalidation not compensation. The recent Washington Supreme Court opinion, Presbytery of Seattle v. King County, re-emphasized that there is only a slight risk of a taking occurring from regulatory programs, such as King County's wetland ordinance.

This bill would establish yet another administrative layer in state government. In conducting rule-making, state agencies currently must comply with the Administrative Procedure Act, the Regulatory Fairness Act, the State Economic Policy Act, and the State Environmental Policy Act. All agency rules are also submitted to a joint legislative committee for review (JARRC). Yet another layer would only further

delay agency action and provide more reason for the public to view government as an administrative nightmare.

This bill would require the Attorney General's office to develop guidelines for evaluating and avoiding the risk of "regulatory takings." The Attorney General's office, in its role of advising each state agency, already reviews policies and provides advice on constitutional parameters. There is no need to codify the nature of the advice given, especially since the parameters have been and may continue to evolve within the judicial system.

The real impact of this bill is to impose an additional layer of review on governmental regulation in the hope that a more cautious approach by governmental entities will ensue. A bill such as this only serves to intimidate regulatory entities from making the difficult but necessary choices presented by the most sensitive environmental land-use problems.

For these reasons, I have vetoed Senate Bill No. 6253.

Respectfully submitted,
Booth Gardner, Governor

FURTHER MESSAGES FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6417

March 30, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 315, Substitute Senate Bill No. 6417 entitled:

"AN ACT Relating to the capital budget."

This section provides \$500,000 from the State Wildlife Fund for a continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy Creek. Funds available to the State Wildlife Fund are extremely limited. Revenues may not be sufficient to cover projected expenditures next biennium. Additionally, initial studies by the Department of Wildlife have shown that the amount of water available at Grandy Creek is marginal to support a hatchery. Moreover, this project is being developed outside the normal Capital budget process, without a thorough review by the Department of Wildlife or the Office of Financial Management. The Department of Wildlife has not had the opportunity to rank this project in terms of its other capital needs. Given these factors, approval of the appropriation is not prudent. While I am opposing the project at this time, I am willing to work with the Department of Wildlife, the Legislature, and interested groups in pursuing the feasibility of a steelhead facility on the Skagit River.

For the reasons stated above, I have vetoed section 315 of Substitute Senate Bill No. 6417.

With the exception of section 315, Substitute Senate Bill No. 6417 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SENATE BILL NO. 6292

March 30, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6292 entitled:

"AN ACT Relating to the control of mosquitos."

This bill allows local mosquito control districts to establish a policy that the control of mosquitos within the district is the responsibility of the owner of the land from which the mosquitos originate. However, section 1 of the bill expands the common definition of owner from the possessor of the legal or equitable title to include anyone with any other interest entitling the person to possession or management control. Individuals who are renting or leasing property would, therefore, be responsible for mosquito control. This definition would confuse landowners and

tenants and would be inconsistent with other statutes relating to property ownership and management. For these reasons, I have vetoed section 1.

With the exception of section 1, Senate Bill No. 6292 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SENATE BILL NO. 6408

March 30, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 13 and 33, Senate Bill No. 6408 entitled:

"AN ACT Relating to transportation appropriations."

Section 3 replaces \$750,000 of State Patrol Highway Account funds with an equal amount of Public Safety Education Account (PSEA) funds for the Safety Education program. Additionally, it appropriates \$250,000 of PSEA funds to enhance the Safety Education program. The Public Safety Education Account, already in precarious financial condition, has many beneficiaries, including the Crime Victims Compensation program. With the lifting of the crime victim's medical cap, the future demands on this fund may exceed estimated revenues. The operating budget conference committee should appropriate \$250,000 of State Patrol Highway Account funds to enhance the Safety Education Program, including the Bicycle Awareness program.

Section 13 appropriates state general funds and transportation funds to the newly created Air Transportation Commission. While I can support the purpose and need for creating a statewide Air Transportation Commission, I question the use of state general funds because the mission of this commission, as described in this legislation, does not include the broader perspective necessary to justify the use of general funds. Therefore, I will ask the House and Senate fiscal committee chairs to provide start-up and study funding for the Commission out of transportation funds.

Section 33 appropriates \$3,000,000 General Fund - State to the Department of Ecology (DOE) for distribution to local air pollution control authorities for activities relating to transportation-caused air pollution.

I question whether the activities described in this section should be paid from the state general fund or more appropriately paid out of transportation funds, as the focus of the program addresses "transportation-caused air pollution."

An issue as important as air quality should not be approached in a piecemeal fashion. DOE is currently developing a comprehensive program and budget request to address air pollution as a priority in the 1991 legislative agenda. Vehicle emissions monitoring and compliance is but one component of a comprehensive air quality program. This program will be developed using the Department's Environment 2010 report which is due this June.

It is appropriate that the issue of additional funding for local air pollution control authorities be addressed next session in the context of an overall comprehensive plan, and for these reasons, I have vetoed this section.

With the exception of sections 3, 13, and 33, Senate Bill No. 6408 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON
SECOND SUBSTITUTE SENATE BILL NO. 5835

March 31, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Second Substitute Senate Bill No. 5835 entitled:

"AN ACT Relating to energy education."

This bill requires the Superintendent of Public Instruction, with the assistance of an Energy Education Advisory Committee, to develop and disseminate an energy information program for use in local school districts.

It is essential that the state's citizens understand the need for using energy efficiently and the trade-offs associated with acquiring energy resources. I concur that it is desirable to begin a public education campaign on energy issues through our school system.

Section 3 requires the Superintendent of Public Instruction to establish an Energy Education Advisory Committee but includes no sunset date for that committee. Currently, the Superintendent has authority to establish ad-hoc committees as the need arises. The Superintendent has assured me that individuals representing a broad spectrum of viewpoints on energy issues will be consulted.

For the reasons stated above, I have vetoed section 3 of Second Substitute Senate Bill No. 5835.

With the exception of section 3, Second Substitute Senate Bill No. 5835 is approved.

Respectfully submitted,
Booth Gardner, Governor

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9205, Harold T. "Hal" Wolfe, as a member of the Board of Trustees for South Puget Sound Community College, District No. 24, was confirmed.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

APPOINTMENT OF HAROLD T. "HAL" WOLFE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; absent, 2; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, Williams, Wojahn - 39.

Absent: Senators Niemi, Vognild - 2.

Excused: Senators Amondson, Conner, DeJarnatt, Fleming, Matson, McCaslin, Smith, West - 8.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9206, Joan Yoshitomi, as a member of the State Board for Community College Education, was confirmed.

APPOINTMENT OF JOAN YOSHITOMI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senator Niemi - 1.

Excused: Senators Conner, DeJarnatt, Fleming, Matson, McCaslin, Vognild - 6.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 6412, deferred on third reading, March 31, 1990.

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute Senate Bill No. 6412 was returned to second reading and placed on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6412, by Committee on Environment and Natural Resources (originally sponsored by Senators McDonald, Vognild, Bluechel, Nelson, Warnke, Rinehart, Gaspard, Bailey, Lee, Patrick, Bender, McMullen, Talmadge, Murray, Williams, Bauer, DeJarnatt, Stratton, Metcalf, Conner, Madsen and Kreidler) (by request of Governor Gardner)

Funding the acquisition of land for wildlife conservation and outdoor recreation.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds:

(1) That Washington possesses an abundance of natural wealth in the form of forests, mountains, wildlife, waters, and other natural resources, all of which help to provide an unparalleled diversity of outdoor recreation opportunities and a quality of life unmatched in this nation;

(2) That as the state's population grows, the demand on these resources is growing too, placing greater stress on today's already overcrowded public recreational lands and facilities, and resulting in a significant loss of wildlife habitat and lands of unique natural value;

(3) That public acquisition and development programs have not kept pace with the state's expanding population;

(4) That private investment and employment opportunities in general and the tourist industry in particular are dependent upon the continued availability of recreational opportunities and our state's unique natural environment;

(5) That if current trends continue, some wildlife species and rare ecosystems will be lost in the state forever and public recreational lands will not be adequate to meet public demands;

(6) That there is accordingly a need for the people of the state to reserve certain areas of the state, in rural as well as urban settings, for the benefit of present and future generations.

It is therefore the policy of the state to acquire as soon as possible the most significant lands for wildlife conservation and outdoor recreation purposes before they are converted to other uses, and to develop existing public recreational land and facilities to meet the needs of present and future generations.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter.

(1) "Acquisition" means the purchase on a willing seller basis of fee or less than fee interests in real property. These interests include, but are not limited to, options, rights of first refusal, conservation easements, leases, and mineral rights.

(2) "Committee" means the interagency committee for outdoor recreation.

(3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(4) "Local agencies" means a city, county, town, tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

(5) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

(6) "Special needs populations" means physically restricted people or people of limited means.

(7) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

(8) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

(9) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

NEW SECTION. Sec. 3. The habitat conservation account is established in the state treasury. The committee shall administer the account in accordance with chapter 43.99 RCW and this chapter, and shall hold it separate and apart from all other money, funds, and accounts of the committee.

NEW SECTION. Sec. 4. (1) Moneys appropriated for this chapter shall be divided equally between the habitat conservation and outdoor recreation accounts and shall be used exclusively for the purposes specified in this chapter.

(2) Moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.

(3) All moneys deposited in the habitat conservation and outdoor recreation accounts shall be allocated under sections 5 and 6 of this act as grants to state or local agencies for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The committee may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter.

(4) Projects receiving grants under this chapter that are developed or otherwise acquired for public recreational uses shall be available to the public on a nondiscriminatory basis.

(5) The committee may make grants to an eligible project from both the habitat conservation and outdoor recreation accounts and any one or more of the applicable categories under such accounts described in sections 5 and 6 of this act.

NEW SECTION. Sec. 5. (1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than thirty-five percent for the acquisition and development of critical habitat;

(b) Not less than twenty percent for the acquisition and development of natural areas;

(c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and

(d) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1) (a), (b), and (d) of this section.

(4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1) (c) and (d) of this section.

NEW SECTION. Sec. 6. (1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. Sec. 7. (1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Immediacy of threat to the site;

(ii) Uniqueness of the site;

(iii) Diversity of species using the site;

(iv) Quality of the habitat;

(v) Long-term viability of the site;

(vi) Presence of endangered, threatened, or sensitive species;

(vii) Enhancement of existing public property;

(viii) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and

(ix) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

(6) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under section 5(1) (a), (b), and (c) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project.

(7) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under section 5(1)(c) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

NEW SECTION. Sec. 8. (1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

(i) Immediacy of threat to the site;

(ii) Linkage between communities;

(iii) Linkage between trails;

(iv) Existing or potential usage;

(v) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;

(vi) Availability of water access or views;

(vii) Enhancement of wildlife habitat; and

(viii) Scenic values of the site.

(b) For water access proposals:

(i) Distance from similar water access opportunities;

(ii) Immediacy of threat to the site;

(iii) Diversity of possible recreational uses; and

(iv) Public demand in the area.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under section 6(1) (a), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under section 6(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit

this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

NEW SECTION. Sec. 9. The committee shall not sign contracts or otherwise financially obligate funds from the habitat conservation account or the outdoor recreation account as provided in this chapter before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the governor.

NEW SECTION. Sec. 10. Moneys made available under this chapter for land acquisition shall not be used to acquire land through condemnation.

NEW SECTION. Sec. 11. On or before November 1st of each odd-numbered year, the committee shall submit to the governor and the standing committees of the legislature dealing with fiscal affairs, fish and wildlife, and natural resources a report detailing the acquisitions and development projects funded under this chapter during the immediately preceding biennium.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. (1) The appropriations from the habitat conservation account and the outdoor recreation account for the biennium ending June 30, 1991, shall be expended to acquire projects recommended by the committee to the governor by March 31, 1990. The governor may remove projects from the list and shall approve by April 15, 1990, a list of projects to be acquired for the fiscal biennium ending June 30, 1991.

(2) Acquisitions shall be completed to the extent possible within available funds. If a site has been converted, or the owner is not willing to sell, the committee shall select from the list until all funds have been expended. The committee shall not approve a project of a local agency where the share contributed by the local agency is less than the amount awarded by the state.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act shall constitute a new chapter in Title 43 RCW.*

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 2 of the title, after "recreation," strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating a new section."

MOTION

On motion of Senator Newhouse, the rules were suspended, Reengrossed Substitute Senate Bill No. 6412 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 6412.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 6412 and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Gaspard, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Owen, Patrick, Patterson, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 35.

Voting nay: Senators Barr, Cantu, Craswell, Hansen, Hayner, Newhouse, Saling, Sellar - 8.
Absent: Senator Niemi - 1.

Excused: Senators Conner, DeJarnatt, Fleming, Matson, McCaslin - 5.

REENGROSSED SUBSTITUTE SENATE BILL NO. 6412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

Senator Hayner moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8785

by Senator Hayner

WHEREAS, Victims of motor vehicle accidents in Washington often wait years before reaching settlements with the person or persons responsible for their injuries; and

WHEREAS, Such victims often have their compensation reduced or denied because of their own negligence; and

WHEREAS, Less than fifty percent of the insurance premium dollar is actually received by persons injured in motor vehicle accidents; and

WHEREAS, More of the insurance premium dollar will be received by injured persons when expenses to determine liability and to determine percentage of fault are not incurred; and

WHEREAS, The present civil justice system, as it relates to automobile accidents, is cumbersome, slow and expensive; and

WHEREAS, Both a no-fault automobile system and the present civil justice system operating together would increase the cost to the insurance buying public to the extent of making auto insurance unaffordable for a large number of our residents; and

WHEREAS, All persons injured in motor vehicle accidents are entitled to receive prompt payment of medical expenses, lost income, and property damage suffered as a result thereof, regardless of fault; and

WHEREAS, The motoring public in Washington will be benefited by a thorough and complete study of pure no-fault automobile insurance;

NOW, THEREFORE, BE IT RESOLVED, That the Senate committees on Financial Institutions and Insurance, and Law and Justice are hereby requested to undertake an interim joint study to analyze a pure comprehensive no-fault automobile insurance program, and to report their findings, together with suggested legislation, to the full Legislature by December 15, 1990; and

BE IT FURTHER RESOLVED, That in undertaking the study on no-fault insurance, the committees shall consult with and may establish one or more technical advisory committees composed of representatives of the following:

1. The office of the state insurance commissioner;
2. Consumer organizations;
3. Plaintiff and defense lawyers;
4. Domestic insurers that write automobile insurance policies in Washington State; and

5. Foreign insurers writing automobile insurance in Washington State.

MOTION

Senator Talmadge moved that the following amendments to Senate Resolution 1990-8785 be considered simultaneously and be adopted:

After the word "insurance" on the last WHEREAS, add "and a state-operated automobile liability insurance system like that of British Columbia"

On the fourth line of the NOW THEREFORE, BE IT RESOLVED, after the word "program", add "and a state-operated automobile liability insurance system like that of British Columbia."

On the second line of BE IT FURTHER RESOLVED, after the word "insurance", add "and a state-operated automobile liability insurance system."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge to Senate Resolution 1990-8785.

The motion by Senator Talmadge carried and the amendments were adopted.

Senate Resolution 1990-8785, as amended, was adopted.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1990-8782

by Senators von Reichbauer, Gaspard, Rasmussen and Johnson

WHEREAS, The Pacific Northwest Regional Clinic of the President's Council on Physical Fitness and Sports will be held at Pacific Lutheran University in Tacoma, Washington, April 26 and 27, 1990; and

WHEREAS, The Chairman of the President's Council on Physical Fitness and Sports will present the keynote address on Saturday, April 26, 1990; and

WHEREAS, The Pacific Northwest Regional Clinic is a participation program for physical education teachers, recreation specialists, coaches, physical fitness directors, physical fitness specialists, athletes and students from throughout the Pacific Northwest; and

WHEREAS, The Pacific Northwest Regional Clinic will offer an educational forum for aerobic fitness, weight training, nutrition, gymnastics, racquetball, jogging, injury prevention, aquadynamics and numerous other physical fitness disciplines; and

WHEREAS, Physical fitness and activity is essential to the health and total development of all Washingtonians; and

WHEREAS, Pacific Lutheran University, Tacoma and Olympia public schools, the Alaska, Idaho, Oregon and Washington Associations for Health, Physical Education, Recreation and Dance are cooperating agencies in this most worthwhile endeavor;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates Pacific Lutheran University, Arnold Schwarzenegger, Chairman of the President's Council on Physical Fitness and Sports, and the clinic faculty; and hereby declares its support for the Pacific Northwest Regional Clinic of the President's Council on Physical Fitness and Sports in their efforts to promote the improved physical fitness and health of all Washingtonians; and hereby further declares Saturday April 26, 1990, as "Pacific Northwest Physical Fitness and Sport Day" in Washington State; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Pacific Lutheran University, Arnold Schwarzenegger, Tacoma public schools, Olympia public schools, the Washington State Office of Public Instruction, the Washington Association for Health, Physical Education, Recreation and Dance, and the Northwest District Alliance for Health, Physical Education, Recreation and Dance.

MOTION

On motion of Senator Madsen, the following resolution was adopted:

SENATE RESOLUTION 1990-8786

by Senators Madsen, Hayner and Johnson

WHEREAS, Criminals wanted by one jurisdiction have been released by another jurisdiction, because the two did not share a common pathway for electronic exchange of information; and

WHEREAS, Dangerous sexual offenders are released and some criminal justice agencies cannot be notified because they do not have compatible electronic data transfer systems with the notifying agency; and

WHEREAS, The I-5 highway provides for rapid movement of criminals between police jurisdictions that frequently cannot exchange electronic data in a timely manner; and

WHEREAS, University police departments often cannot exchange electronic data about criminals with local police departments resulting in impediments to coordination of crime prevention and apprehension of fleeing criminals; and

WHEREAS, The safety of the citizens of the state of Washington is endangered by criminals who prey upon innocent victims, because the statewide exchange of electronic data between police, courts and mental health agencies is often impossible because of incompatible computers and lack of standardized electronic data connections;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby requests that the Governor appoint a task force on the statewide exchange of electronic data. The

task force should consist of at least seven members including the following persons: (a) The Chief of the State Patrol, (b) the Attorney General, (c) the Administrator of the Courts, (d) the Secretary of the Department of Social and Health Services, (e) the Secretary of the Department of Corrections, (f) the Director of the Department of Information Services, and (g) the Executive Director of the Association of Sheriffs and Police Chiefs;

BE IT FURTHER RESOLVED, That the task force on the statewide exchange of electronic data should study the most efficient and effective methods of electronically exchanging appropriate information between agencies. The task force should review required information in different computer data bases and review informational requirements of the police, courts and mental health agencies. The task force should report to the Senate Law and Justice Committee and the House of Representatives Judiciary Committee by December 10, 1990, on how to most efficiently transmit information between the several computer data bases.

MOTION

On motion of Senator Metcalf, the following resolution was adopted:

SENATE RESOLUTION 1990-8752

by Senator Metcalf

WHEREAS, The Washington Whistleblower Act (chapter 42.40 RCW), which has been in effect since 1982, is designed to protect employees from intimidation if they report improper governmental actions on the part of other state employees or officials; and

WHEREAS, Although some success has been demonstrated in the implementation of the whistleblower process by the State Auditor's Office, reports have been received that a number of subtle, yet very damaging, forms of reprisal have taken place; and

WHEREAS, The provisions of the current statute are not adequate to redress the types of incidents reported;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on Governmental Operations be authorized to conduct an examination of the potential shortcomings in the present law, including, but not limited to:

- (1) Whether the scope of the Whistleblower Act is sufficient to embrace all of the major forms of improper governmental action;
- (2) The extent of jeopardy in which an employee may be placed if he or she reports an improper action in good faith;
- (3) Whether the available remedies are sufficient to deter those who would take retaliatory measures if their improper governmental actions are reported; and
- (4) The relative success of whistleblower programs in other jurisdictions; and

BE IT FURTHER RESOLVED, That the State Auditor, the Attorney General, the Department of Personnel, the Higher Education Personnel Board, the Personnel Appeals Board, appropriate employee organizations, individual employees who have been the object of punitive action, and representatives of the private sector shall provide the committee with any necessary information, under proper provisions for security of confidential data; and

BE IT FURTHER RESOLVED, That the committee prepare a report by November 1, 1990, including its findings and recommendations concerning:

- (1) Any amendments which would strengthen the Whistleblower Act;
- (2) Whether penalties for violation of the act should be revised;
- (3) Possible methods for improving management and administration of the program; and
- (4) The feasibility of establishing the office of ombudsman for the state of Washington.

MOTION

On motion of Senator Benitz, the following resolution was adopted:

SENATE RESOLUTION 1990-8781

by Senator Benitz

WHEREAS, It is in the public interest to provide competition for existing cable television services, both transmission and programming; and

WHEREAS, Consumers are complaining about significant increases in the cost of cable television service, uneven quality of service, the lack of market competition, the lack of cable television service in many rural and suburban areas, and the lack of consumer recourse relating to cable television service; and

WHEREAS, Rural areas, frequently facing the upheavals in local economies with challenging market conditions, and in need of opportunities to enhance the rural economy, have not been well served by the present cable television delivery system; and

WHEREAS, A cable television network with interactive capability would provide consumers with the residential-based technology necessary to compete in the information society of this new decade and the next century; and

WHEREAS, An interactive cable television broadband network would provide the opportunities to further the educational system throughout the state, especially in the area of higher education and the branch campus project;

NOW, THEREFORE, BE IT RESOLVED, That the Senate support the efforts of Congress to provide additional competition to consumers of cable television services.

MOTION

Senator Williams moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8755

by Senators Moore, Williams, Wojahn, Conner, Stratton, Kreidler, Murray, DeJarnatt, Owen, Talmadge, Bauer, Hansen, Rasmussen, Niemi, Sutherland, Smitherman, Bender, Rinehart, Fleming, McMullen, Warnke, Madsen, Vognild, Gaspard, von Reichbauer and Lee

WHEREAS, The recent elections in Nicaragua demonstrate that fair and open elections can promote democracy through nonviolent means; and

WHEREAS, Fair and open elections offer the best hope for reducing political violence; and

WHEREAS, Existing democracies, able to do so, should lend assistance and encouragement to people and organizations working for democracy and free elections by peaceful means throughout the world; and

WHEREAS, The United States of America is recognized by the people of the world as the leading example of democracy;

NOW, THEREFORE, BE IT RESOLVED, That the Senate encourages the government of the United States to continue working with international bodies such as the Organization of American States, the United Nations, the Council of the Freely Elected Heads of States, Chaired by former President Jimmy Carter and assisted by former Senator Dan Evans, and the many nongovernmental organizations that participate as election observers in promoting fair and open elections throughout Central America, and the rest of the world, as a means of promoting viable democracies and reducing violence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable George Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Washington.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, would you object if we inserted the name of Lithuania in there? They need a little boost."

Senator Williams: "Senator Rasmussen, I sympathize. However, I tend to want to rifle shot this as opposed to spending a lot of time--where were you talking about?"

Senator Rasmussen: "Mr. Chairman, if I may, I would like to offer an oral amendment."

MOTION

On motion of Senator Rasmussen, the following amendment was adopted:
On line 8. of NOW, THEREFORE, BE IT RESOLVED, after "world," add "including Lithuania."

The President declared the question before the Senate to be the adoption of Senate Resolution 1990-8755, as amended.

Senate Resolution 1990-8755, as amended, was adopted.

MOTION

At 2:45 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 9:17 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9207, Dr. Carver C. Gayton, as a member of the Board of Trustees for Seattle Community College, District No. 6, was confirmed.

Senator Smitherman spoke to the confirmation of Dr. Carver C. Gayton as a member of the Board of Trustees for Seattle Community College.

APPOINTMENT OF DR. CARVER C. GAYTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senators Hansen, Metcalf, Sutherland, Wojahn - 4.

Excused: Senators Fleming, Matson - 2.

MOTION

On motion of Senator Bender, Senators Hansen and Wojahn were excused.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2230, deferred on second reading March 31, 1990.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2230, by Committee on Appropriations (originally sponsored by Representative Locke)

Establishing standards for benefit plans for school district employees.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 2230 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator McDonald, Section 7 of the bill establishes an advisory committee to assist the Health Care Authority to provide recommendations and guidelines regarding K-12 benefits. How do we intend this advisory committee to be created?"

Senator McDonald: "Senator Moore, Section 7 provides that an advisory committee composed of three members who will assist the Health Care Authority; one

representative of the insurance, one representative of the HMOs and one representative of the health care services contractors. It would be our intent that the representatives would be chosen by their respective group."

Senator Moore: "The second question, if I may. Section 5 of the bill requires benefit providers to provide planned descriptions and certain data to school districts for their submission to the Health Care Authority. Is it your intent that benefit providers would only be required to submit data that is reasonably available?"

Senator McDonald: "Yes, Senator Moore, it would be the intent of that benefit provider to submit data that is reasonably available. We do not intend to require unreasonable expense in providing this data."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2230.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2230 and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Gaspard, Hayner, Kreidler, Madsen, McDonald, McMullen, Moore, Murray, Nelson, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, Williams - 30.

Voting nay: Senators Anderson, Bailey, Craswell, Johnson, Lee, McCaslin, Metcalf, Newhouse, Niemi, Saling, Smith, Stratton, von Reichbauer, Warnke, West - 15.

Excused: Senators Fleming, Hansen, Matson, Wojahn - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

April 1, 1990

Mr. President:

The House has passed SENATE BILL NO. 6906, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8449, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

Mr. President:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6624, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6906.

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3035 and asks the Senate to recede therefrom. The bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTIONS

On motion of Senator Newhouse, the rules were suspended and Substitute House Bill No. 3035 was returned to second reading and read the second time.

On motion of Senator Newhouse, the following amendment by Senators Newhouse and Matson was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The sum of two million four hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the state building and construction account to the department of community development for the biennium ending June 30, 1991, for the purpose of providing a grant to Yakima County for construction and expansion of jail facilities. The appropriation is subject to the following conditions and limitations:

(1) Before receiving the grant, the county shall demonstrate an ability to complete the construction and expansion of the jail facility; and

(2) The grant shall not exceed eighty percent of the total project cost as determined by the department."

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 2 of the title, after "County;" strike the remainder of the title and insert "and making an appropriation."

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 3035, as amended by the Senate, under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Newhouse, would you be willing to also perhaps look to the future of expanding this particular jail into a state prison for people who are within the foreseeable end of a parole, such as they want to put in Pierce County--and we don't want? Would you consider expanding this into a state prison to house part Yakima prisoners and part regional prisoners--state prisoners--as in a state correctional facility?"

Senator Newhouse: "That is a very complex question and I can't give a simple answer, but say that yes this follows better. Senator Wojahn, the concept of the regional jail, because it is of very close proximity to the courthouse and the Yakima jail. The criminals that need a maximum security or even minimum security can be housed in the Yakima jail. It is quite a fancy structure. Then, the concept of a state prison--there is a town down the valley, by the name of Grandview that is asking for the next facility and many of the people in that town are asking that there be a new jail in that area."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 3035, as amended by the Senate, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3035, as amended by the Senate, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Wojahn - 36.

Voting nay: Senators Bender, Conner, DeJarnatt, Gaspard, Madsen, McMullen, Murray, Niemi, Vognild, Williams - 10.

Excused: Senators Fleming, Hansen, Matson - 3.

SUBSTITUTE HOUSE BILL NO. 3035, as amended by the Senate, under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Nelson, the following resolution was adopted:

SENATE RESOLUTION 1990-8783

by Senators Nelson and Saling

WHEREAS, Washington State is a leader in the establishment of innovative higher education programs; and

WHEREAS, Washington is now the premier United States gateway to the Pacific Rim countries, including Japan; and

WHEREAS, The Senate of the state of Washington cherishes our state's relationship with Japan, and ever encourages greater and continuing interaction with the Japanese people, in trade of goods, commodities, ideas and culture; and

WHEREAS, For the above reasons, it is only fitting that Washington State establish the first U. S. community college branch campus based in Japan; and

WHEREAS, Edmonds Community College will open that branch campus on April 11, 1990, in the city of Kobe, Prefecture of Hygo; and among the seven hundred students attending the first classes will be fifty Washington State students; and

WHEREAS, The branch campus will specialize in college transfer courses, vocational curriculum, and, of course, international studies, and, as such, faculty and students of the campus will live by its adopted slogan: "Utilize the world in me - utilize me in the world"; and

WHEREAS, To emphasize the historical significance of the April 11 dedication of the Kobe campus, the state of Washington will send a large delegation to take part in the dedication ceremony. The delegation will be comprised of Washington citizens from all realms, including educators, business participants, state legislators, local elected officers, and college trustees;

NOW, THEREFORE, BE IT RESOLVED, That together with the people of the state of Washington, the Washington State Senate hereby congratulates and honors the first and distinguished chair of the historic Kobe campus, Mr. H. Mizota, who played the major role in making the dream of the campus a reality; and

BE IT FURTHER RESOLVED, That the Washington State Senate thanks and sends best wishes to our state's esteemed representatives who will participate in the April 11, 1990, dedication of the Kobe branch campus; and

BE IT FURTHER RESOLVED, That the Washington State Senate sends its full support and encouragement to the staff and faculty of the Kobe campus and to President Tom Nielsen and the participating staff and faculty of Edmonds Community College. To all of you, "Go, seiko Wo Inori Masu" (good luck).

MOTION

On motion of Senator Lee, the following resolution was adopted:

SENATE RESOLUTION 1990-8778

by Senators Lee and Johnson

WHEREAS, The Legislature has been confronted for several years with the problems of homeowners paying twice for home repairs and remodeling as a result of construction lien claims; and

WHEREAS, The construction lien law is antiquated, cumbersome and unresponsive to many of the industry problems it is supposed to address; and

WHEREAS, An industry task force representing various segments of the construction industry and related services spent over fifty meeting hours during the summer and fall of 1989, attempting to solve the above-mentioned problems; and

WHEREAS, These meetings produced significant compromise and creative solutions, particularly in the area of homeowner protection; and

WHEREAS, Significant issues remain which need attention, including prompt payment by owners to prime contractors and from contractors to suppliers and subcontractors and including the imposition of a trust status on funds received by a contractor from a lender or owner; and

WHEREAS, Further study and perfection of the task force product is required;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the Committee on Economic Development and Labor continue to study the general

area of construction liens in coordination with the Committees on Law and Justice, Financial Institutions and Insurance, and appropriate committees of the House of Representatives; and

BE IT FURTHER RESOLVED, That the committee continue to utilize the services of the existing industry-citizen task force, expanded as required to include representatives of various segments of the construction industry, the financial community, labor, engineers, architects, suppliers, surety bond companies, title companies, the Attorney General's Office and the Washington State Bar Association; and

BE IT FURTHER RESOLVED, That the Committee on Economic Development and Labor review the work of the task force and prepare a report and recommended legislation prior to the 1991 Session of the Legislature.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8444 with the following amendments:

On page 1, line 28 strike "Appropriations" and insert "Capital Facilities and Financing"

On page 1, line 28 after "shall" strike all material through "community" on page 2, line 10 and insert "review the management of state lands devoted to the care mentally ill and disabled persons and other lands held in trust, and shall make recommendations to the 1991 session of the legislature that will ensure that the management of these lands is consistent with constitutional and trust law requirements".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendments to Engrossed Senate Concurrent Resolution No. 8444.

The President declared the question before the Senate to be the adoption of Engrossed Senate Concurrent Resolution No. 8444, as amended by the House.

Engrossed Senate Concurrent Resolution No. 8444, as amended by the House, was adopted by voice vote.

MOTION

At 9:57 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:29 p.m. by President Pritchard.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 2929

Enacting comprehensive growth planning provisions.

April 1, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate Committee on Governmental Operations amendments adopted, as amended, on March 2, 1990, be rejected, and

(2) Adopt the Conference Committee amendments that follow and further amend the Conference Committee Report as follows:

On page 29, beginning on line 19, of the Conference Report, strike all of section 39

Renumber the remaining sections consecutively and correct any internal references accordingly

On page 34, line 8, of the Conference Report, after "those", strike "capital", and insert "public"

On page 1, line 13 of the title, after "43.62 RCW; adding", strike "new sections" and insert "a new section"

AN ACT Relating to growth; amending RCW 35A.40.210, 36.94.040, 56.08.020, 57.16.010, 82.46.010, 82.46.030, 82.46.040, 82.46.050, 82.46.060, 82.02.020, 58.17.060, 58.17.110, 36.81.121, 35.77.010, 35.58.2795, 76.09.050, 76.09.060, 43.210.010, 43.210.020, 43.31.005, 43.31.035, 43.63A.065, 43.160.060, 43.168.050, 43.155.070, and 43.63A.078; adding new sections to chapter 43.63A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.77 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 43.62 RCW; adding new sections to chapter 82.46 RCW; adding new sections to chapter 82.02 RCW; adding new sections to chapter 59.18 RCW; adding a new section to chapter 19.27 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 36 RCW; adding a new chapter to Title 47 RCW; and creating new sections.

NEW SECTION. Sec. 1. FINDINGS AND INTENT. The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

PART I

GOALS AND PLANNING

NEW SECTION. Sec. 2. PLANNING GOALS. The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under section 4 of this act. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- (9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
- (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- (13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

NEW SECTION, Sec. 3. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community development.

(7) "Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

(8) "Forest land" means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(15) "Urban growth areas" means those areas designated by a county pursuant to section 11 of this act.

(16) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(17) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

NEW SECTION, Sec. 4. WHO MUST PLAN. (1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall adopt comprehensive land use plans and development regulations under this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution

removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990. Once a county meets either of these criteria, the requirement to conform with sections 4 through 16 of this act remains in effect, even if the county no longer meets one of these criteria.

(2) The county legislative authority of any county that does not meet the requirements of subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall adopt a comprehensive land use plan in accordance with this chapter. Once such a resolution has been adopted, the county cannot remove itself from the requirements of this chapter.

(3) Any county or city that is required to adopt a comprehensive land use plan under subsection (1) of this section shall adopt the plan on or before July 1, 1993. Any county or city that is required to adopt a comprehensive land use plan under subsection (2) of this section shall adopt the plan not later than three years from the date the county legislative body takes action as required by subsection (2) of this section.

(4) If the office of financial management certifies that the population of a county has changed sufficiently to meet the requirements of subsection (1) of this section, and the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall adopt: (a) Development regulations under section 6 of this act within one year of the certification by the office of financial management; (b) a comprehensive land use plan under this chapter within three years of the certification by the office of financial management; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan.

NEW SECTION, Sec. 5. GUIDELINES TO CLASSIFY AGRICULTURE, FOREST, AND MINERAL LANDS AND CRITICAL AREAS. (1) Subject to the definitions provided in section 3 of this act, the department shall adopt guidelines, under chapter 34.05 RCW, no later than September 1, 1990, to guide the classification of: (a) Agricultural lands; (b) forest lands; (c) mineral resource lands; and (d) critical areas. The department shall consult with the department of agriculture regarding guidelines for agricultural lands, the department of natural resources regarding forest lands and mineral resource lands, and the department of ecology regarding critical areas.

(2) In carrying out its duties under this section, the department shall consult with interested parties, including but not limited to: (a) Representatives of cities; (b) representatives of counties; (c) representatives of developers; (d) representatives of builders; (e) representatives of owners of agricultural lands, forest lands, and mining lands; (f) representatives of local economic development officials; (g) representatives of environmental organizations; (h) representatives of special districts; (i) representatives of the governor's office and federal and state agencies; and (j) representatives of Indian tribes. In addition to the consultation required under this subsection, the department shall conduct public hearings in the various regions of the state. The department shall consider the public input obtained at such public hearings when adopting the guidelines.

(3) The guidelines under subsection (1) of this section shall be minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences that exist in Washington state. The intent of these guidelines is to assist counties and cities in designating the classification of agricultural lands, forest lands, mineral resource lands, and critical areas under section 17 of this act.

(4) The guidelines established by the department under this section regarding classification of forest lands shall not be inconsistent with guidelines adopted by the department of natural resources.

NEW SECTION, Sec. 6. NATURAL RESOURCE LANDS AND CRITICAL AREAS—DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses to plan under section 4 of this act, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under section 17 of this act. Regulations adopted under this section may not prohibit uses permitted prior to their adoption and shall remain in effect until a county adopts development regulations pursuant to section 12 of this act. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

Each county that is required or chooses to plan under section 4 of this act, and each city within such county, shall adopt development regulations on or before September 1, 1991, precluding land uses or development that is incompatible with the critical areas that are required to be designated under section 17 of this act.

(2) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under section 4 of this act and implementing development regulations under section 12 of this act and may alter such designations and development regulations to insure consistency.

NEW SECTION. Sec. 7. COMPREHENSIVE PLANS—MANDATORY ELEMENTS. The comprehensive plan of a county or city that is required or chooses to plan under section 4 of this act shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in section 14 of this act.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under section 4 of this act, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (b) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

NEW SECTION, Sec. 8. OPTIONAL ELEMENTS. (1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

- (a) Conservation;
- (b) Solar energy; and
- (c) Recreation.

(2) A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.

NEW SECTION, Sec. 9. INNOVATIVE TECHNIQUES. A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.

NEW SECTION, Sec. 10. COMPREHENSIVE PLANS—MUST BE COORDINATED. The comprehensive plan of each county or city that is adopted pursuant to section 4 of this act shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to section 4 of this act of other counties or cities with which the county or city has, in part, common borders or related regional issues.

NEW SECTION, Sec. 11. COMPREHENSIVE PLANS—URBAN GROWTH AREAS. (1) Each county that is required or chooses to adopt a comprehensive land use plan under section 4 of this act shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population forecast made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of the effective date of this section, each county required to designate urban growth areas shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

NEW SECTION, Sec. 12. COMPREHENSIVE PLANS—DEVELOPMENT REGULATIONS AND CAPITAL PLANS—IMPLEMENT IN CONFORMITY. Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under section 4 of this act shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities shall perform their activities and make capital budget decisions in conformity with their comprehensive plans.

NEW SECTION. Sec. 13. **COMPREHENSIVE PLANS—AMENDMENTS.** (1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2) Each county and city shall establish procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists.

(3) Each county that designates urban growth areas under section 11 of this act shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

NEW SECTION. Sec. 14. **COMPREHENSIVE PLANS—ENSURE PUBLIC PARTICIPATION.** Each county and city that is required or chooses to plan under section 4 of this act shall establish procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the procedures is observed.

NEW SECTION. Sec. 15. Each county and city that is required or chooses to prepare a comprehensive land use plan under section 4 of this act shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

NEW SECTION. Sec. 16. Each county and city that is required or chooses to prepare a comprehensive land use plan under section 4 of this act shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in section 3 of this act.

The city or county may seek to acquire by purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.

NEW SECTION. Sec. 17. **NATURAL RESOURCE LANDS AND CRITICAL AREAS—DESIGNATIONS.** (1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

(a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;

(b) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;

(c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and

(d) Critical areas.

(2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to section 5 of this act.

NEW SECTION. Sec. 18. **COMPREHENSIVE PLANS—SPECIAL DISTRICTS MUST CONFORM.** (1) All special districts shall perform their activities which affect land use, including capital budget decisions, in conformity with the state policy goals and the comprehensive land use plan of the county or city having jurisdiction in the area where the activities occur.

(2) Not later than one year after the adoption of a comprehensive plan by a county or city pursuant to section 4 of this act, each special district located within such a county or city, that provides one or more of the public facilities or public services listed in this subsection, shall

adopt or amend a capital facilities plan for its facilities that is consistent with the comprehensive plan and indicates the existing and projected capital facilities that are necessary to serve the projected growth for the area that is served by the special district. These public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) libraries; (f) schools; and (g) transportation, including mass transit.

(3) This section shall not apply to port districts or municipal airports.

NEW SECTION. Sec. 19. REPORT ON PLANNING PROGRESS. (1) It is the intent of the legislature that counties and cities required to adopt a comprehensive plan under section 4(1) of this act begin implementing this chapter on or before July 1, 1990, including but not limited to: (a) inventorying, designating, and conserving agricultural, forest, and mineral resource lands, and critical areas; and (b) considering the modification or adoption of comprehensive land use plans and development regulations implementing the comprehensive land use plans. It is also the intent of the legislature that funds be made available to counties and cities beginning July 1, 1990, to assist them in meeting the requirements of this chapter.

(2) Each county and city that adopts a plan under section 4 (1) or (2) of this act shall report to the department annually for a period of five years, beginning on January 1, 1991, and each five years thereafter, on the progress made by that county or city in implementing this chapter.

NEW SECTION. Sec. 20. TECHNICAL ASSISTANCE, GRANTS, AND MEDIATION SERVICES. (1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under section 4 of this act. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under section 14 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 43.63A RCW to read as follows:

INVENTORYING AND COLLECTING DATA. (1) The department shall assist in the process of inventorying and collecting data on public and private land for the acquisition of data describing land uses, demographics, infrastructure, critical areas, transportation corridors physical features, housing, and other information useful in managing growth throughout the state. For this purpose the department shall contract with the department of information services and shall form an advisory group consisting of representatives from state, local, and federal agencies, colleges and universities, and private firms with expertise in land planning, and geographic information systems.

(2) The department shall establish a sequence for acquiring data, giving priority to rapidly growing areas. The data shall be retained in a manner to facilitate its use in preparing maps, aggregating with data from multiple jurisdictions, and comparing changes over time. Data shall further be retained in a manner which permits its access via computer.

(3) By December 1, 1990, the department shall report to the appropriate committees of the house of representatives and senate on the availability of existing data; specific data which is needed but not currently available; data compatibility across jurisdictions; the suitability of various types of data for retention on computer; the cost of collecting, storing, updating, mapping, and manipulating data on a computer; and recommendations on how to maintain an inventory of data which is accessible to any user and whether to maintain the data at a central repository or decentralized repositories.

(4) The department shall work with other state agencies, local governments, and private organizations that are inventorying public and private lands to ensure close coordination and to ensure that duplication of efforts does not occur.

NEW SECTION. Sec. 22. A new section is added to chapter 35.63 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each city and county that does not plan under section 4 of this act shall not be inconsistent with the city's or county's comprehensive plan. For the purposes of this section, "development regulations" has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 23. A new section is added to chapter 35A.63 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each code city that does not plan under section 4 of this act shall not be inconsistent with the city's comprehensive plan. For the purposes of this section, "development regulations" has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 24. A new section is added to chapter 36.70 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each county that does not plan under section 4 of this act shall not be inconsistent with the county's comprehensive plan. For the purposes of this section, "development regulations" has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 35.22 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. Notwithstanding RCW 35.22.620, a first class city may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

NEW SECTION. Sec. 26. A new section is added to chapter 35.23 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. Notwithstanding RCW 35.23.352, a second class city, third class city, or town may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

Sec. 27. Section 3, chapter 89, Laws of 1979 ex. sess. as amended by section 8, chapter 11, Laws of 1989 and RCW 35A.40.210 are each amended to read as follows:

Procedures for any public work or improvement contracts or purchases for code cities shall be governed by the following statutes, as indicated:

- (1) For code cities of twenty thousand population or over, RCW 35.22.620; and
- (2) For code cities under twenty thousand population; RCW 35.23.352.

However, a code city may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

NEW SECTION. Sec. 28. A new section is added to chapter 36.32 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. Notwithstanding RCW 36.32.250, a county may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

NEW SECTION. Sec. 29. A new section is added to chapter 36.77 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. Notwithstanding RCW 36.77.020 and 36.77.040, a county may contract with a developer for the construction or improvement of county roads directly related to the developer's project.

NEW SECTION. Sec. 30. A new section is added to chapter 35.13 RCW to read as follows:

COMPREHENSIVE PLANS—ANNEXATIONS BEYOND URBAN GROWTH AREAS PROHIBITED. No city or town located in a county in which urban growth areas have been designated under section 11 of this act may annex territory beyond an urban growth area.

NEW SECTION. Sec. 31. A new section is added to chapter 35A.14 RCW to read as follows:

COMPREHENSIVE PLANS—ANNEXATIONS BEYOND URBAN GROWTH AREAS PROHIBITED. No code city located in a county in which urban growth areas have been designated under section 11 of this act may annex territory beyond an urban growth area.

NEW SECTION. Sec. 32. A new section is added to chapter 43.62 RCW to read as follows:

DETERMINING POPULATION. The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every ten years the office of financial management shall prepare a twenty-year population forecast required by section 11 of this act for each county that adopts a comprehensive plan under section 4 of this act.

Sec. 33. Section 4, chapter 72, Laws of 1967 and RCW 36.94.040 are each amended to read to read as follows:

The sewerage and/or water general plan must incorporate the provisions of existing comprehensive plans relating to sewerage and water systems of cities, towns, municipalities, and private utilities, to the extent they have been implemented.

~~((In any county in which a metropolitan municipal corporation is authorized to perform the sewerage disposal or water supply function, any sewerage and/or water general plan shall be approved by the metropolitan municipal corporation prior to adoption by the county.))~~

Sec. 34. Section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 213, Laws of 1982 and RCW 56.08.020 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general comprehensive plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The general comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the sewer district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 56.02.060 for approving the formation, reorganization, annexation, consolidation, or merger of sewer districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The (~~legislative body may not impose requirements restricting the maximum size of the sewer system facilities provided for in the~~) general comprehensive plan (~~PROVIDED That~~) shall not provide for the extension or location of facilities that are inconsistent with the requirements of section 11 of this act. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 56.02.060. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of the plan's submission to the county legislative authority (~~PROVIDED That~~). However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the sewer commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the (~~legislative authority~~) governing body of such cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town (~~legislative authority~~) governing body if the city or town (~~legislative authority~~) governing body fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town governing body may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the sewer commissioners and the city or town governing body may mutually agree to an extension of the deadlines in this section.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition, affects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town (~~legislative authority~~) governing body.

Sec. 35. Section 6, chapter 18, Laws of 1959 as last amended by section 10, chapter 389, Laws of 1989 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds. After July 23, 1989, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 57.16.010, the district shall include a long-term plan for financing the planned projects. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of water districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. ~~The ((legislative body may not impose requirements restricting the maximum size of the water supply facilities provided for in the)) general comprehensive plan((--PROVIDED--That)) shall not provide for the extension or location of facilities that are inconsistent with the requirements of section 11 of this act. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority((--PROVIDED--That)). However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the water commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.~~

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the ~~((legislative authority)) governing bodies~~ of such cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town ~~((legislative authority)) governing body~~ if the city or town ~~((legislative authority)) governing body~~ fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town governing body may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the sewer commissioners and the city or town governing body may mutually agree to an extension of the deadlines in this section.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town (~~legislative authority~~) governing body.

Sec. 36. Section 11, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.010 are each amended to read as follows:

(1) (~~Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.;~~) The governing body of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. The revenues from this tax shall be used by the respective jurisdictions for local capital improvements, including those listed in RCW 35.43.040.

After the effective date of this section, revenues generated from the tax imposed under this subsection in counties and cities that are required or choose to plan under section 4 of this act shall be used primarily for financing capital projects specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under sections 50 and 51 of this act. However, revenues (a) pledged by such counties and cities to debt retirement prior to the effective date of this section may continue to be used for that purpose until all outstanding debt is retired, or (b) committed prior to the effective date of this section by such counties or cities to a capital project may continue to be used for that purpose until the project is completed.

(2) (~~Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.;~~) In lieu of imposing the tax authorized in RCW 82.14.030(2), the governing body of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(3) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(4) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(5) As used in this section, "city" means any city or town.

Sec. 37. Section 13, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.030 are each amended to read as follows:

(1) The county treasurer shall place one percent of the proceeds of the taxes imposed under RCW 82.46.010 in the county current expense fund to defray costs of collection.

(2) The remaining proceeds from the county tax under RCW 82.46.010(1) shall be placed in a county capital improvements fund. The remaining proceeds from city or town taxes under RCW 82.46.010(1) shall be distributed to the respective cities and towns monthly and placed by the city treasurer in a municipal capital improvements fund. ~~(These capital improvements funds shall be used by the respective jurisdictions for local improvements, including those listed in RCW 35.43.040.)~~

(3) This section does not limit the existing authority of any city, town, or county to impose special assessments on property specially benefited thereby in the manner prescribed by law.

NEW SECTION, Sec. 38. A new section is added to chapter 82.46 RCW to read as follows:

(1) The governing body of any county or any city that plans under section 4(1) of this act may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. Any county choosing to plan under section 4(2) of this act and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(2) Revenues generated from the tax imposed under subsection (1) of this section shall be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan.

(3) Revenues generated by the tax imposed by this section shall be deposited in a separate account.

(4) As used in this section, "city" means any city or town.

NEW SECTION, Sec. 39. A new section is added to chapter 82.46 RCW to read as follows:

The tax authorized by section 38 of this act may be imposed only if either Engrossed Senate Bill No. 6904, Substitute Senate Bill No. 6639, or House Bill No. 3036 becomes law and grants counties and cities the authority to impose an additional excise tax on the sale of real property.

Sec. 40. Section 14, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.040 are each amended to read as follows:

Any tax imposed under (~~RCW 82.46.040~~) this chapter and any interest or penalties thereon is a specific lien upon each piece of real property sold from the time of sale until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

Sec. 41. Section 15, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.050 are each amended to read as follows:

The taxes levied under (~~RCW 82.46.040~~) this chapter are the obligation of the seller and may be enforced through an action of debt against the seller or in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

Sec. 42. Section 16, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.060 are each amended to read as follows:

Any taxes imposed under (~~RCW 82.46.040~~) this chapter shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The treasurer shall act as agent for any city within the county imposing the tax. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed under (~~RCW 82.46.040~~) this chapter shall be evidence of the satisfaction of the lien imposed in RCW 82.46.040 and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto: in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the treasurer.

Sec. 43. Section 82.02.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 179, Laws of 1988 and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in sections 44 through 49 of this act, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements (pursuant to RCW 58.17.110) within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

- (1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;
- (2) The payment shall be expended in all cases within five years of collection; and
- (3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under sections 50 and 51 of this act.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION. Sec. 44. A new section is added to chapter 82.02 RCW to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under section 4 of this act are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in section 49 of this act which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of section 7 of this act or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After July 1, 1993, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with section 7 of this act, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those capital facility needs for which the county, city, or town is responsible.

NEW SECTION. Sec. 45. A new section is added to chapter 82.02 RCW to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

(c) The availability of other means of funding public facility improvements;

(d) The cost of existing public facilities improvements; and

(e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;

(3) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

(4) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

(5) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

(6) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development;

(7) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies.

NEW SECTION. Sec. 46. A new section is added to chapter 82.02 RCW to read as follows:

(1) Payment of an impact fee in regard to the system improvement for which the impact fee is paid shall constitute full and complete compliance with the county, city, or town requirements for the provision of the particular public facility. No other payment may be required for the same system improvement by any county, city, or town by any other means.

(2) The county, city, or town may determine that a system improvement needs to be constructed prior to final completion of the development activity and may condition the development approval accordingly. Pursuant to an agreement with the county, city, or town, the developer may elect to construct the needed system improvement, provided the developer receives a credit for the costs of the construction that exceed the impact fee which otherwise would have applied.

(3) In the event that a developer enters into an agreement with a county, city, or town to construct, fund, or contribute system improvements such that the amount of the credit created by such construction, funding, or contribution is in excess of the impact fees which would otherwise have been paid for the development project, the developer shall be reimbursed for such excess construction, funding, or contribution from impact fees paid by other development located in the service area which is benefited by such improvements.

(4) Fees shall be collected upon the issuance of a building permit unless the fee is to be used for a system improvement to be undertaken within one year of the development approval, in which case the fee may be collected upon final development approval.

(5) Notwithstanding any other provision of sections 44 through 49 of this act, that portion of a project for which a valid building permit has been issued prior to the effective date of a county, city, or town impact fee ordinance, adopted pursuant to sections 44 through 49 of this act, shall not be subject to impact fees under such ordinance so long as the building permit remains valid and construction is commenced and is pursued according to the terms of the permit.

(6) Prior to adopting an ordinance imposing impact fees, each county, city, or town shall establish an advisory committee composed of not less than six persons, plus a nonvoting chairperson selected by the advisory committee, to advise the governing body on possible features to be included in an impact fees ordinance and to periodically review the ordinance. Half of the members of the advisory committee shall represent the development industry, the building industry, and realtors, while the other half shall represent the environmental community and community groups.

(7) If impact fees are imposed to finance system improvements to be undertaken by a different local government or taxing district than the one collecting the fee, the collecting entity shall enter into an interlocal agreement with that local government or taxing district that will make the service improvements to ensure compliance with the requirements established for impact fees.

NEW SECTION. Sec. 47. A new section is added to chapter 82.02 RCW to read as follows:

(1) Impact fee receipts shall be earmarked specifically and retained in special interest-bearing accounts. Separate accounts shall be established for each type of public facility for which impact fees are collected. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. Annually, each county, city, or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.

(2) Impact fees for system improvements shall be expended only in conformance with the capital facilities plan element of the comprehensive plan.

(3) Impact fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. Such extraordinary or compelling reasons shall be identified in written findings by the governing body of the county, city, or town.

(4) Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

(5) Each county, city, or town that imposes impact fees shall provide for an administrative appeals process for the appeal of an impact fee; the process may follow the appeal process for the underlying development approval or the county, city, or town may establish a separate appeals process. The impact fee may be modified upon a determination that it is proper to do so based on principles of fairness. The county, city, or town may provide for the resolution of disputes regarding impact fees by arbitration.

NEW SECTION, Sec. 48. A new section is added to chapter 82.02 RCW to read as follows:

(1) The current owner of property on which an impact fee has been paid may receive a refund of such fees if the county, city, or town fails to expend or encumber the impact fees within six years of when the fees were paid or other such period of time established pursuant to section 47(3) of this act on public facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The county, city, or town shall notify potential claimants by first class mail deposited with the United States postal service at the last known address of claimants.

The request for a refund must be submitted to the county, city, or town governing body in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later. Any impact fees that are not expended within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended on the indicated capital facilities. Refunds of impact fees under this subsection shall include interest earned on the impact fees.

(2) When a county, city, or town seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the county, city, or town shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the local government, but must be expended for the indicated public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(3) A developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted.

NEW SECTION, Sec. 49. A new section is added to chapter 82.02 RCW to read as follows:

Unless the context clearly requires otherwise, the following definitions shall apply in sections 44 through 49 of this act:

(1) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

(2) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

(3) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

(4) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

(5) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

(6) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town shall be considered a project improvement.

(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.

(8) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

(9) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION, Sec. 50. A new section is added to chapter 59.18 RCW to read as follows:

(1) Any city, town, county, or municipal corporation that is required to develop a comprehensive plan under section 4(1) of this act is authorized to require, after reasonable notice to the public and a public hearing, property owners to provide their portion of reasonable relocation assistance to low-income tenants upon the demolition, substantial rehabilitation whether due to code enforcement or any other reason, or change of use of residential property, or upon the removal of use restrictions in an assisted-housing development. No city, town, county, or municipal corporation may require property owners to provide relocation assistance to low-income tenants, as defined in this chapter, upon the demolition, substantial rehabilitation, upon the change of use of residential property, or upon the removal of use restrictions in an assisted-housing development, except as expressly authorized herein or when authorized or required by state or federal law. As used in this section, "assisted housing development" means a multi-family rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(2) As used in this section, "low-income tenants" means tenants whose combined total income per dwelling unit is at or below fifty percent of the median income, adjusted for family size, in the county where the tenants reside.

The department of community development shall adopt rules defining county median income in accordance with the definitions promulgated by the federal department of housing and urban development.

(3) A requirement that property owners provide relocation assistance shall include the amounts of such assistance to be provided to low-income tenants. In determining such amounts, the jurisdiction imposing the requirement shall evaluate, and receive public testimony on, what relocation expenses displaced tenants would reasonably incur in that jurisdiction including:

- (a) Actual physical moving costs and expenses;
- (b) Advance payments required for moving into a new residence such as the cost of first and last month's rent and security and damage deposits;
- (c) Utility connection fees and deposits; and
- (d) Anticipated additional rent and utility costs in the residence for one year after relocation.

(4)(a) Relocation assistance provided to low-income tenants under this section shall not exceed two thousand dollars for each dwelling unit displaced by actions of the property owner under subsection (1) of this section. A city, town, county, or municipal corporation may make future annual adjustments to the maximum amount of relocation assistance required under this subsection in order to reflect any changes in the housing component of the consumer price index as published by the United States department of labor, bureau of labor statistics.

(b) The property owner's portion of any relocation assistance provided to low-income tenants under this section shall not exceed one-half of the required relocation assistance under (a) of this subsection in cash or services.

(c) The portion of relocation assistance not covered by the property owner under (b) of this subsection shall be paid by the city, town, county, or municipal corporation authorized to require relocation assistance under subsection (1) of this section. The relocation assistance may be paid from proceeds collected from the excise tax imposed under section 36 of this act.

(5) A city, town, county, or municipal corporation requiring the provision of relocation assistance under this section shall adopt policies, procedures, or regulations to implement such requirement. Such policies, procedures, or regulations shall include provisions for administrative hearings to resolve disputes between tenants and property owners relating to relocation assistance or unlawful detainer actions during relocation, and shall require a decision within thirty days of a request for a hearing by either a tenant or property owner.

Judicial review of an administrative hearing decision relating to relocation assistance may be had by filing a petition, within ten days of the decision, in the superior court in the county where the residential property is located. Judicial review shall be confined to the record of the administrative hearing and the court may reverse the decision only if the administrative findings, inferences, conclusions, or decision is:

- (a) In violation of constitutional provisions;
- (b) In excess of the authority or jurisdiction of the administrative hearing officer;
- (c) Made upon unlawful procedure or otherwise is contrary to law; or
- (d) Arbitrary and capricious.

(6) Any city, town, county, or municipal corporation may require relocation assistance, under the terms of this section, for otherwise eligible tenants whose living arrangements are exempted from the provisions of this chapter under RCW 59.18.040(3) and if the living arrangement is considered to be a rental or lease pursuant to RCW 67.28.180(1).

(7)(a) Persons who move from a dwelling unit prior to the application by the owner of the dwelling unit for any governmental permit necessary for the demolition, substantial rehabilitation, or change of use of residential property or prior to any notification or filing required for condominium conversion shall not be entitled to the assistance authorized by this section.

(b) Persons who move into a dwelling unit after the application for any necessary governmental permit or after any required condominium conversion notification or filing shall not be entitled to the assistance authorized by this section if such persons receive written notice from the property owner prior to taking possession of the dwelling unit that specifically describes the activity or condition that may result in their temporary or permanent displacement and advises them of their ineligibility for relocation assistance.

NEW SECTION. Sec. 51. A new section is added to chapter 59.18 RCW to read as follows:

Relocation assistance payments received by tenants under section 50 of this act shall not be considered as income or otherwise affect the eligibility for or amount of assistance paid under any government benefit program.

PART II SUBDIVISIONS

Sec. 52. Section 6, chapter 271, Laws of 1969 ex. sess. as last amended by section 2, chapter 330, Laws of 1989 and RCW 58.17.060 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Sec. 53. Section 11, chapter 271, Laws of 1969 ex. sess. as last amended by section 3, chapter 330, Laws of 1989 and RCW 58.17.110 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, ((sites for)) schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school((-and determine)); and (b) whether the public interest will be served by the subdivision and dedication. ((If it finds that the proposed plat makes))

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, ((sites for)) schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school((-and that)); and (b) the public use and interest will be served by the platting of such subdivision((-then it shall be approved)) and dedication. If it finds that the proposed ((plat does not)) subdivision and dedication makes such appropriate provisions ((or)) and that the public use and interest will ((not)) be served, then the legislative body ((may disapprove)) shall approve the proposed ((plat)) subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under sections 44 through 49 of this act may be required as a

condition of subdivision approval (~~and~~) Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under sections 44 through 49 of this act shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any (~~plat~~) subdivision require a release from damages to be procured from other property owners.

PART III

REGIONAL TRANSPORTATION PLANS

NEW SECTION. Sec. 54. INTENT—TRANSPORTATION PLANNING. The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both state-wide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

NEW SECTION. Sec. 55. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS AUTHORIZED. The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

- (1) Encompass at least one complete county;
- (2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and
- (3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.

NEW SECTION. Sec. 56. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS—DUTIES. (1) Each regional transportation planning organization shall:

(a) Certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region conform with the requirements of section 7 of this act, and are consistent with regional transportation plans as provided for in (b) of this subsection;

(b) Develop and adopt a regional transportation plan that is consistent with county, city, and town comprehensive plans and state transportation plans. Regional transportation planning organizations are encouraged to use county, city, and town comprehensive plans that existed prior to the effective date of this section as the basis of its regional transportation plan whenever possible. Such plans shall address existing or planned transportation facilities and services that exhibit one or more of the following characteristics:

- (i) Physically crosses member county lines;
- (ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;
- (iii) Significant impacts are expected to be felt in more than one county;
- (iv) Potentially adverse impacts of the facility, service, or project can be better avoided or mitigated through adherence to regional policies;
- (v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance;

(c) Designate a lead planning agency to coordinate preparation of the regional transportation plan. The lead planning agency may be a regional council, a county, city, or town agency, or a Washington state department of transportation district;

(d) Review the regional transportation plan biennially for currency; and

(e) Forward the adopted plan, and documentation of the biennial review of it, to the state department of transportation.

(2) All transportation projects within the region that have an impact upon regional facilities or services must be consistent with the plan.

(3) In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation shall:

(a) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(b) Facilitate coordination between regional transportation planning organizations; and

(c) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

NEW SECTION. Sec. 57. TRANSPORTATION POLICY BOARDS. Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards

shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making.

NEW SECTION. Sec. 58. ALLOCATION OF REGIONAL TRANSPORTATION PLANNING FUNDS. Biennial appropriations to the department of transportation to carry out the regional transportation planning program shall set forth the amounts to be allocated as follows:

- (1) A base amount per county for each county within each regional transportation planning organization, to be distributed to the lead planning agency;
- (2) An amount to be distributed to each lead planning agency on a per capita basis; and
- (3) An amount to be administered by the department of transportation as a discretionary grant program for special regional planning projects, including grants to allow counties which have significant transportation interests in common with an adjoining region to also participate in that region's planning efforts.

Sec. 59. Section 20, chapter 49, Laws of 1983 1st ex. sess. as amended by section 8, chapter 167, Laws of 1988 and RCW 36.81.121 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) Before July 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of a charter county derived from its charter, or chapter 36.— RCW (sections 1 through 20 of this act), the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the transportation improvement board. The six-year program for arterial road construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial roads than for minor and collector arterial roads, pursuant to regulations of the transportation improvement board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 60. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1988 and RCW 35.77.010 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years ~~((and shall file))~~. If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, the inherent authority of a first class city derived from its charter, or chapter 36.— RCW (sections 1 through 20 of this act), the program shall be consistent with this comprehensive plan.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long range construction plan and formulated in accordance with rules of the transportation improvement board. The six-year program for arterial street construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial streets than for minor and collector arterial streets, pursuant to rules of the transportation improvement board: PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 61. Section 1, chapter 396, Laws of 1989 and RCW 35.58.2795 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, shall prepare a six-year transit development and financial program for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.-- RCW (sections 1 through 20 of this act). The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. Each municipality shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

PART IV FOREST PRACTICES AND WATER

Sec. 62. Section 5, chapter 137, Laws of 1974 ex. sess. as last amended by section 47, chapter 36, Laws of 1988 and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource that may be conducted without submitting an application or a notification;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. Class II shall not include forest practices:

- (a) On lands platted after January 1, 1960, or being converted to another use;
- (b) Which require approvals under the provisions of the hydraulics act, RCW 75.20.100;
- (c) Within "shorelines of the state" as defined in RCW 90.58.030; or
- (d) Excluded from Class II by the board;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that

governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) No Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) If a notification or application is delivered in person to the department by the operator or his agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, wildlife, and fisheries, and to the county ~~(in which)~~, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) If the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) The department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b) (i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) In addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) The department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(1) A county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 63. Section 6, chapter 137, Laws of 1974 ex. sess. as amended by section 3, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices regulations shall specify by whom and under what conditions the notification and application shall be signed. The application or notification shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and

(j) An affirmation that the statements contained in the notification or application are true.

(2) At the option of the applicant, the application or notification may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it.

(a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33, and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county ((~~or~~)), city, town, and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county ((~~or municipality~~)), city, or town shall constitute a violation of each of the county, municipal city, town, and regional

authorities to which the forest practice operations would have been subject if the application had so stated.

(c) The application shall be either signed by the land owner or accompanied by a statement signed by the land owner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) The notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice.

NEW SECTION, Sec. 64. A new section is added to chapter 19.27 RCW to read as follows:

Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. An application for a water right shall not be sufficient proof of an adequate water supply.

Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology may adopt rules to implement this section.

PART V

ENCOURAGING ECONOMIC GROWTH STATE-WIDE

NEW SECTION, Sec. 65. INTENT. The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth; much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies and low-income areas should be linked with prosperous urban economies to share economic growth for the benefit of all areas and the state.

To accomplish this goal it is the intent of the legislature to: (1) Assure equitable opportunities to secure prosperity for distressed areas, rural communities, and disadvantaged populations by promoting urban-rural economic links, and by promoting value-added product development, business networks, and increased exports from rural areas; (2) improve the economic development service delivery system to be better able to serve these areas, communities, and populations; (3) redirect the priorities of the state's economic development programs to focus economic development efforts into areas and sectors of the greatest need; (4) build local capacity so that communities are better able to plan for growth and achieve self-reliance; (5) administer grant programs to promote new feasibility studies and project development on projects of interest to rural areas or areas outside of the Puget Sound region; and (6) develop a coordinated economic investment strategy involving state economic development programs, businesses, educational and vocational training institutions, local governments and local economic development organizations, ports, and others.

Sec. 66. Section 1, chapter 20, Laws of 1983 1st ex. sess. as amended by section 1, chapter 231, Laws of 1985 and RCW 43.210.010 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth, development, and stability of the state's businesses in both urban and rural areas, and that these economic activities create needed jobs for Washingtonians.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments for many small and medium-sized businesses are the lack of easily accessible information about export opportunities and financing alternatives.

(4) There is a need for a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the state in acquiring information about export opportunities and financial alternatives for exporting.

Sec. 67. Section 2, chapter 20, Laws of 1983 1st ex. sess. as amended by section 2, chapter 231, Laws of 1985 and RCW 43.210.020 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

(3) To provide information to and assist those businesses interested in exporting products, including the opportunities available to them in organizing export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

NEW SECTION. Sec. 68. A new section is added to chapter 43.63A RCW to read as follows:

BUILDING LOCAL CAPACITY. (1) The department shall administer a grant program which makes grants to local nonprofit organizations for rural economic development or for sharing economic growth outside the Puget Sound region. The grants shall be used to: (a) Develop urban-rural links; (b) build local capacity for economic growth; or (c) improve the export of products or services from rural areas to locations outside the United States.

(2) The department shall consult with, and if necessary form an advisory committee including, a diverse group of private sector representatives including, but not limited to, major corporations, commercial financial institutions, venture capitalists, small businesses, natural resource businesses, and developers to determine what opportunities for new investment and business growth might be available for areas outside high-growth counties. The department shall also consult with the department of trade and economic development. The department shall seek to maximize and link new investment opportunities to grant projects under this section.

(3) The department may enact rules to carry out this section.

Sec. 69. Section 1, chapter 466, Laws of 1985 and RCW 43.31.005 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The legislature of the state of Washington finds that economic development is an essential public purpose which requires the active involvement of state government. The state's primary economic strategy is to encourage the retention and expansion of existing businesses, to attract new businesses and industries, ~~((and))~~ to foster the formation of new businesses, and to economically link rural communities with urban areas. In order to aid the citizens of Washington to obtain desirable employment and achieve adequate incomes, it is necessary for the state to encourage balanced growth and economic prosperity and to promote a more diversified and healthy economy throughout the state.

The legislature finds that the state needs to improve its level of employment, business activity, and revenue growth. In order to increase job opportunities and revenues, a broader and more stable economic base is needed. The state shall take primary responsibility to encourage the balanced growth of the economy consistent with the preservation of Washington's quality of life and environment. A healthy economy can be achieved through partnership efforts with the private sector to facilitate increased investment in Washington. It is the policy of the state of Washington to encourage and promote an economic development program that provides sufficient employment opportunities for our current resident work force and those individuals who will enter the state's work force in the future.

The legislature finds that the state of Washington has the potential to become a major world trade gateway. In order for Washington to fulfill its potential and compete successfully with other states and provinces, it must articulate a consistent, long-term trade policy. It is the responsibility of the state to monitor and ensure that such traditional functions of state government as transportation, infrastructure, education, taxation, regulation and public expenditures contribute to the international trade focus the state of Washington must develop.

Sec. 70. Section 4, chapter 466, Laws of 1985 and RCW 43.31.035 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The department shall pursue a coordinated approach for the state's economic development policies and programs to achieve a more diversified and healthy economy. The department shall support and work cooperatively with other state agencies, public and private organizations, and units of local government, as well as the federal government, to strengthen and coordinate economic development programs ~~((in))~~ throughout the state. The department's activities shall include, but not be limited to:

(1) Providing economic development advisory assistance to the governor, other state agencies, and the legislature on economic-related issues, and other matters affecting the economic well-being of the state and all its citizens.

(2) Providing staff and support to cabinet level interagency economic development coordinating activities.

(3) Representing and monitoring the state's interests with the federal government in its formulation of policies and programs in economic development.

(4) Assisting in the development and implementation of a long-term economic strategy for the state that encourages a balance in economic growth between urban and rural areas and that stimulates economic development in areas not experiencing problems associated with rapid growth, and assisting the continual update of information and strategies contained in the long-term economic program for the state.

Sec. 71. Section 5, chapter 125, Laws of 1984 as amended by section 137, chapter 266, Laws of 1986 and RCW 43.63A.065 are each amended to read as follows:

DEPARTMENT OF COMMUNITY DEVELOPMENT—PRIORITY BASED ON NEED. The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

NEW SECTION. Sec. 72. A new section is added to chapter 43.31 RCW to read as follows:

ASSOCIATE DEVELOPMENT ORGANIZATION NETWORK FORMALIZED. (1) There is established in the department the local economic development service program. This program shall coordinate the delivery of economic development services to local communities or regional areas. It shall encourage a partnership between the public and private sectors and between state and local officials to encourage appropriate economic growth in communities throughout the state.

(2) The department's local economic development service program shall promote local economic development by assisting businesses to start-up, maintain, or expand their operations, by encouraging public infrastructure investment and private capital investment in local communities, and by expanding employment opportunities.

(3) The department's local economic development service program shall, among other things, (a) contract with local economic development nonprofit corporations, called "associate development organizations," for the delivery of economic development services to local communities or regional areas; (b) enter into interagency agreements with appropriate state agencies, such as the department of community development, the department of agriculture, and the employment security department, to coordinate the delivery of economic development services to local communities or regional areas; (c) enter into agreements with other

public organizations or institutions that provide economic development services, such as the small business development center, the Washington technology center, community colleges, vocational-technical institutes, the University of Washington, Washington State University, four-year colleges and universities, the federal small business administration, ports, and others, to coordinate the delivery of economic development services to local communities and regional areas; and (d) provide training, through contracts with public or private organizations, and other assistance to associate development organizations to the extent resources allow.

(4) It is the intent of the legislature that the associate development organizations shall promote and coordinate, through local service agreements or other methods, the delivery of economic development services in their areas that are provided by public and private organizations, including state agencies.

(5) The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to more effectively build the local capacity of communities in the region.

NEW SECTION, Sec. 73. THE SERVICE DELIVERY TASK FORCE. The service delivery task force is established. The purpose of the task force is to review the current system for delivering economic development services in Washington and to make recommendations for improving the effectiveness of state economic development services, especially in rural areas.

(1) The task force shall consider existing studies and reports in its analysis, and shall seek input from the key persons or organizations delivering and receiving state economic development services. These key organizations include: (a) The University of Washington and Washington State University, (b) ports, (c) community colleges, (d) vocational-technical institutes, (e) the small business administration, (f) the Washington technology center, (g) nonprofit community action organizations, (h) local businesses and chambers of commerce.

(2) The recommendations shall consider, but not be limited to, the following: (a) What should be the structure for delivering state economic development services to enhance local capacity? and (b) How can state programs be better coordinated to avoid duplication and fragmentation of services?

(3) The task force shall consist of: (a) Four legislators, one from each major caucus in the house of representatives appointed by the speaker of the house and one from each major caucus in the senate appointed by the president of the senate; (b) one citizen member involved in economic development appointed by the governor; (c) the director, or the director's designee, of each of the following departments: (i) The department of trade and economic development, (ii) the department of community development, (iii) the department of agriculture, and (iv) the employment security department; (d) two representatives of local governments appointed by the governor in consultation with the association of Washington cities and the Washington state association of counties, with one from east of the Cascades; (e) two representatives of associate development organizations, appointed by the chair of the associate development organization state council, with one representative from east of the Cascades; (f) two representatives of small businesses appointed by the governor, with one representative from east of the Cascades; and (g) one representative each from the Northwest policy center at the University of Washington and the public policy institute at The Evergreen State College appointed by their directors.

(4) Staff services for the task force shall be jointly provided by the department of trade and economic development and the department of community development.

(5) The governor shall appoint the chair of the task force.

(6) Task force members may be reimbursed as provided by RCW 43.03.050 and 43.03.060.

(7) The task force may create subcommittees and may invite nonmembers of the task force to participate in the subcommittees.

(8) The task force shall report on its findings and make its recommendations to the house of representatives trade and economic development committee, the senate economic development and labor committee, and the governor by November 1, 1990, and shall expire on January 31, 1991.

Sec. 74. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 62, chapter 431, Laws of 1989 and RCW 43.160.060 are each amended to read as follows:

COMMUNITY ECONOMIC REVITALIZATION BOARD—CONSIDER BENEFITS TO RURAL COMMUNITIES. The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that ~~((probably)) evidence exists~~ would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; ~~((or))~~ (iv) which support the relocation of businesses from nondistressed urban areas to distressed rural areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 75. Section 5, chapter 164, Laws of 1985 as last amended by section 9, chapter 430, Laws of 1989 and RCW 43.168.050 are each amended to read as follows:

DEVELOPMENT LOAN FUND COMMITTEE—CONSIDER BENEFITS TO RURAL COMMUNITIES.

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities or the maintenance of threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

NEW SECTION, Sec. 76. A new section is added to chapter 43.31 RCW to read as follows:

INDUSTRIAL COMPETITIVENESS PROGRAM. The business assistance center within the department of trade and economic development shall create an industrial competitiveness program to encourage value-added manufacturing in Washington state. The program shall (1) assist in the creation of self-supporting industry associations that develop cooperative programs for enhancing the competitiveness of their members; (2) provide industry modernization services in targeted sectors; and (3) conduct an industrial census for use in sectoral assistance. The department shall contract with educational institutions, private consultants, or nonprofit organizations to facilitate the program's efforts.

The department shall report to the legislature by January 1, 1991, on the work of the program and make recommendations to the legislature on strategies and delivery systems for improving the competitiveness of new and mature manufacturing sectors in the state.

NEW SECTION, Sec. 77. EVALUATION OF RESEARCH AND DEVELOPMENT PROGRAMS. (1) The department of trade and economic development shall contract for an evaluation of publicly supported programs in the state that conduct research and development, provide technology transfer and commercialization services, and provide industrial extension services. The evaluation shall focus on the economic development and educational links to such programs.

(2) The department shall contract with a national expert on public sector involvement and shall consult with local advisers and public service organizations in science and technology and the utilization of applied research to support economic development.

(3) The evaluation shall analyze, among other things:

(a) The current public and private sector science and technology efforts in Washington state;

(b) The current public and private sector technology development, transfer, and commercialization efforts in Washington state;

(c) The current university-industry and private-public sector relationships in science and technology in Washington state;

(d) The current industrial extension activities of state educational institutions;

(e) The extent to which the efforts in (a), (b), (c), and (d) of this subsection are organized and coordinated on a state-wide basis;

(f) The current public sector efforts to transfer or protect new technology, including (i) the office of technology transfer at the University of Washington, (ii) the Washington research foundation, and (iii) the Washington State University research foundation; and

(g) The Washington technology center, created under RCW 28B.20.285, by conducting a comprehensive program strategy evaluation assessing the accomplishments and activities of the center regarding its perceived goals and objectives. The program strategy evaluation shall consider, but not be limited to:

(i) The science and technology areas focused on by the center in relation to the strengths and opportunities in the region and the state;

(ii) The economic impact of the Washington technology center to date;

(iii) Access to the Washington technology center throughout the state and by small and medium-sized businesses;

(iv) The commercialization of the Washington technology center's new technology;

(v) Whether the research is basic or applied and academically driven or industry-driven; and

(vi) The quality of the research.

(4) The evaluation required under this section shall include recommendations to the governor and the legislature. The recommendations shall be based on the reviews conducted under subsection (3) of this section and shall consider the efforts of other states in science and technology. The recommendations shall include, but not be limited to, the following:

(a) What structures the state should consider to most effectively identify and manage its science and technology interests;

(b) How the state can better coordinate public and private efforts in science and technology, particularly technology development, commercialization, and industrial extension;

(c) How the state can encourage and facilitate a greater number of entrepreneurs and small and medium-sized businesses having input and access to the Washington technology center, as well as access to commercially promising research being done at the state's universities and colleges;

(d) How the state can better assist in the formation of new business and the expansion of existing business to develop commercially promising technology into products and processes that result in more jobs and capital in the state;

(e) How public funds invested in science and technology can be effectively accounted for and evaluated; and

(f) Should the Washington technology center's structure or goals be changed based on the evaluation under subsection (3)(g) of this section.

(5) The department shall submit the evaluation and recommendations to the legislature and the governor by December 1, 1990.

NEW SECTION, Sec. 78. A new section is added to chapter 43.17 RCW to read as follows:

EXPEDITIOUS EXERCISE OF POWER TO ISSUE PERMITS, LICENSES, CERTIFICATIONS, CONTRACTS, AND GRANTS—COOPERATION. Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

NEW SECTION, Sec. 79. A new section is added to chapter 43.31 RCW to read as follows:

ASSISTANCE IN OBTAINING PERMITS, LICENSES, CERTIFICATIONS, AND GRANTS—RECOMMENDATIONS. (1) The business assistance center is authorized to assist individuals, businesses, local governments, and public or private organizations in obtaining permits, licenses, certifications, contracts, and grants that relate to economic development in the state and are required by law to be issued by state agencies.

(2) The business assistance center shall make recommendations to the governor and the legislature by January 1, 1991, regarding improvements in the processing of permits, licenses, certifications, contracts, and grants by state agencies. Such recommendations shall include recommendations on a process for resolving disputes that may arise when state agencies are requested to issue a permit, license, certification, contract, or grant.

NEW SECTION, Sec. 80. A new section is added to chapter 43.31 RCW to read as follows:

BID INFORMATION. The business assistance center of the department of trade and economic development shall make available on its electronic bulletin board a listing of all open bids issued by state agencies. The business assistance center shall develop and implement a marketing plan for this service to businesses and associate development organizations in the state.

The information made available on each bid shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and
- (4) When the bid is due.

The bid information may also be made available on a subscription basis through the mail. The business assistance center may charge a fee for bid information provided either electronically or through the mail to offset its costs. Associate development organizations shall receive bid information free of charge.

NEW SECTION, Sec. 81. A new section is added to chapter 43.19 RCW to read as follows:

BID INFORMATION—NOTIFICATION. All state institutions, colleges, community colleges, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state shall, when soliciting bids, notify the business assistance center of the department of trade and economic development in a format prescribed by the business assistance center and where possible by direct input to the electronic bulletin board, or if not possible by direct input, by either providing the information on a compatible data disk or if a compatible data disk is not reasonably possible, in writing, of the bid solicitation so that the information may be made available on the center's electronic bulletin board. The notification to the business assistance center shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and

(4) When the bid is due.

The requirement of this section shall not apply to telephone requests for quotes authorized by the Washington state information services board created under chapter 43.105 RCW.

NEW SECTION. Sec. 82. A new section is added to chapter 82.32 RCW to read as follows:

BID INFORMATION—NOTICE TO BUSINESSES. The department of revenue shall send out a notice on the availability of bid information provided by the business assistance center under section 80 of this act twice during fiscal year 1991 and once yearly thereafter to all businesses paying taxes in this state.

Sec. 83. Section 12, chapter 446, Laws of 1985 as last amended by section 6, chapter 133, Laws of 1990 and RCW 43.155.070 are each amended to read as follows:

PUBLIC WORKS ASSISTANCE FUND—CONSIDER BENEFITS TO COMMUNITY. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system: ~~((and))~~

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable.

(3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 84. Section 7, chapter 125, Laws of 1984 as amended by section 33, chapter 505, Laws of 1987 and RCW 43.63A.078 are each amended to read as follows:

TECHNICAL ASSISTANCE GRANTS. (1) The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

(2) The department shall set aside, within its general fund appropriation, a sum of two hundred thousand dollars per biennium for technical assistance grants to assist community-based organizations in their efforts contributing to the redevelopment and economic well-being of low-income areas.

A maximum of forty percent of the funds set aside for technical assistance purposes provided in this subsection may be made available for technical assistance in organizational and board development to those organizations demonstrating a reasonable probability that such assistance will help them undertake a development project. A minimum of sixty percent of the funds set aside for technical assistance purposes shall be used for projects which meet the following standards:

(a) Community-based organizations have or will have a minimum ten percent ownership of the development project;

(b) The project is within a low-income area;

(c) The project has provided reasonable assurance that it will conform to all applicable environmental, zoning, and building laws;

(d) The benefits of the project, including the addition or retention of employment and of capital in the low-income area, shall primarily accrue to the residents of the area;

(e) There is a reasonable expectation that the project will be successful, and that the eligible organization and project participants are responsible parties;

(f) Alternative sources, including other agencies or institutions of the state or federal government, have been sought and are either insufficient or unavailable to meet the needs of the project;

(g) The technical assistance to be provided is essential to the success of the project;

(h) Provision has been made for the active participation in the project of residents of the low-income area; and

(i) Provisions have been made for reporting by the eligible organization concerning the manner in which the technical assistance is used on the project and the extent to which it achieves its intended results.

The amount required to be set aside under this section for the biennium ending June 30, 1991, shall be reduced or eliminated if a specific appropriation for the full amount required under this subsection is not made to the department by June 30, 1990.

Grant recipients under this subsection may be community-based organizations or state-wide organizations which provide technical assistance to community-based organizations.

(3) For purposes of subsection (2) of this section, "community-based organization" means:

(a) A nonprofit corporation organized under state law that:

(i) Is organized to operate within a specific substate area;

(ii) Has experience operating programs which directly benefit low-income citizens;

(iii) Has low-income people or representatives of organizations serving the low income on its board of directors.

(b) Any Native American tribal governing body.

NEW SECTION. Sec. 85. A new section is added to chapter 43.63A RCW to read as follows:

LOW-INCOME SELF EMPLOYMENT. The department of community development shall implement a self-employment loan program. The program shall provide grants to local development organizations to use solely in revolving loan funds to finance the small businesses of low-income persons. Grants are to be distributed through a competitive application process to be administered by the department in consultation with an advisory committee. Any organization receiving a grant must: (1) Demonstrate the need for a low-income, self-employment project in its community; (2) demonstrate the capacity of the organization to administer the project; and (3) describe the loan procedure and the self-employment training and support

programs into which the loan fund will be incorporated. No grant shall be greater than sixty thousand dollars. An organization may provide loans from the grant award of no greater than five thousand dollars. No more than ten percent of any appropriation to the department for the program may be used by the department for administrative costs.

NEW SECTION, Sec. 86. If funding for the purposes of section 68, 73, 76, or 85 of this act is not provided by June 30, 1990, in Substitute Senate Bill No. 6407, the supplemental appropriations act, referencing this act by bill number, then each of the sections whose purpose is not funded shall be null and void.

PART VI MISCELLANEOUS

NEW SECTION, Sec. 87. ROLE OF GROWTH STRATEGIES COMMISSION. The growth strategies commission created by executive order shall:

(1) Analyze different methods for assuring that county and city comprehensive plans adopted under chapter 36.-- RCW (sections 1 through 20 of this act) are consistent with the planning goals under section 2 of this act and with other requirements of chapter 36.-- RCW (sections 1 through 20 of this act);

(2) Recommend to the legislature and the governor by October 1, 1990, a specific structure or process that, among other things:

(a) Ensures county and city comprehensive plans adopted under chapter 36.-- RCW (sections 1 through 20 of this act) are coordinated and comply with planning goals and other requirements under chapter 36.-- RCW (sections 1 through 20 of this act);

(b) Requires state agencies to comply with this chapter and to consider and be consistent with county and city comprehensive plans in actions by state agencies, including the location, financing, and expansion of transportation systems and other public facilities;

(c) Defines the state role in growth management;

(d) Addresses lands and resources of state-wide significance, including to:

(i) Protect these lands and resources of state-wide significance by developing standards for their preservation and protection and suggesting the appropriate structure to monitor and enforce the preservation of these lands and resources; and

(ii) Consider the environmental, economic, and social values of the lands and resources with state-wide significance;

(e) Identifies potential state funds that may be withheld and incentives that promote county and city compliance with chapter 36.-- RCW (sections 1 through 20 of this act);

(f) Increases affordable housing state-wide and promotes linkages between land use and transportation;

(g) Addresses vesting of rights; and

(h) Addresses short subdivisions; and

(3) Develop recommendations to provide for the resolution of disputes over urban growth areas between counties and cities, including incorporations and annexations.

NEW SECTION, Sec. 88. (1) Sections 1 through 20 of this act shall constitute a new chapter in Title 36 RCW.

(2) Sections 54 through 58 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION, Sec. 89. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 90. Part and section headings as used in this act do not constitute any part of the law.

Signed by Senators Vognild, Amondson; Representatives Cantwell, Nutley, Betzoff.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2929 was adopted and the committee was granted the powers of Free Conference.

MOTION

At 11:32 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:55 p.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Senate reverted to the fifth order of business.

On motion of Senator Newhouse, the Senate resumed consideration of Senate Bill No. 6910 which was held on the Introduction and First Reading Calendar, March 28, 1990.

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6910 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE BILL NO. 6910, by Senators Newhouse and Matson

Funding criminal justice enhancement for Yakima county.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6910 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6910.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6910 and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West - 40.

Voting nay: Senators Benitz, Gaspard, Williams, Wojahn - 4.

Absent: Senators Bauer, Bender, McMullen, Niemi, Vognild - 5.

SENATE BILL NO. 6910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate resumed consideration of House Concurrent Resolution No. 4446 which was held on the Introduction and First Reading Calendar, March 29, 1990.

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4446 was advanced to second reading and placed on the second reading calendar.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4446, by Representative Ebersole

Permitting consideration of House Bill No. 3036 during special session.

The concurrent resolution was read the second time.

MOTIONS

On motion of Senator Newhouse, the following amendment by Senators Newhouse and Sellar was adopted:

On page 1, line 3, after "4442," strike everything down through and including "estate" on line 4, and insert "Senate Bill No. 6344, relating to regional support networks"

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4446, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

House Concurrent Resolution No. 4446, as amended by the Senate, was adopted by voice vote.

MOTION

At 12:05 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:26 a.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 1, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6091, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8448, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 3035 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6091.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8444.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 6344.

On motion of Senator Newhouse, Senate Bill No. 6344 was placed on the third reading calendar.

THIRD READING

SENATE BILL NO. 6344, by Senators Niemi, Bailey, West, Vognild, McMullen, Wojahn and Smith

Revising provisions for regional support networks.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6344.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6344 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Matson - 1.

SENATE BILL NO. 6344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 2929

Enacting comprehensive growth planning provisions.

April 1, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request of Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and request for Free Conference on Engrossed Substitute House Bill No. 2929, read in earlier today.)

Signed by Senators Vognild, Amondson; Representatives Cantwell, Nutley, Betrozoff.

MOTION

Senator Newhouse moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2929 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Amondson, I am looking at Section 30 and I don't quite understand it. That is not the only section that I don't quite understand. This is about the most complicated bill that I have seen and will probably do great damage through the years. It is full of good intent, but let me ask you where it says 'Annexation beyond the urban growth area is prohibited. No city or town located in a county in which urban growth areas has been designated under Section 11 of this act may annex territory beyond an urban growth area.' It has always been my understanding that cities could annex anybody that wanted to willingly annex to them. This would leave them forever in the county. Is that for some of those areas--the use of the county protection act?"

Senator Amondson: "Senator Rasmussen, if you will notice on front of the Conference Committee Report, we did take out that portion of the section."

Senator Rasmussen: "Is that stricken along with Section 39?"

Senator Amondson: "Section 39--all of 39 was stricken--yes."

Senator Rasmussen: "Well, I don't see that particular page or section stricken."

Senator Amondson: "Page 29, beginning on line 19--"

Senator Rasmussen: "No, I am reading from page 20, line 26, actually line 28. It is on page 20, line 28."

Senator Amondson: "I stand corrected, Senator Rasmussen. That fell into the bill yesterday."

Senator Rasmussen: "That would prohibit cities, both cities and code cities forever from annexing any area that wasn't designated for urban growth. Is that right? That locks them into the county then forever. Is that the right page, page 20?"

Senator Amondson: "You are correct."

Senator Rasmussen: "I don't quite understand that."

Senator Amondson: "Senator Vognild would--"

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Senator Rasmussen, in Section 11 of this bill, it states that a city or town must be entirely within an urban growth area and without Section 30, Section 11 would not work. The urban growth area boundaries will be set by cities and counties working together. If you didn't have this Section 30, then Section 11

wouldn't work, but this is only effective after the urban growth boundaries have been set by the cities and counties in conjunction."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2929.

The motion by Senator Newhouse carried and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2929 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2929, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2929, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent, 1:

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Bluechel, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Patrick, Rinehart, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Barr, Benitz, Cantu, Conner, Craswell, Hansen, McCaslin, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, West - 16.

Absent: Senator Matson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6412 with the following amendments:

On page 5, line 27, after "(i)" insert "Community support:

(ii)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 13, after "project" insert "; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project"

On page 7, line 7, after "(i)" insert "Community support:

(ii)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, line 17, after "(i)" insert "Community support:

(ii)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, line 27, after "project" insert "; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6412.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6412. The motion by Senator Newhouse carried

and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6412.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6412, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6412, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Biuechel, Conner, DeJarnatt, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 36.

Voting nay: Senators Amondson, Barr, Benitz, Cantu, Craswell, Hansen, Hayner, McCaslin, Newhouse, Patterson, Saling, Sellar - 12.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6412, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Reengrossed Substitute House Bill No. 2964, deferred on second reading March 9, 1990.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 2964, by Committee on Capital Facilities and Financing (originally sponsored by Representatives Schoon, H. Sommers, P. King and Betrozoff)

Authorizing bonds for capital facilities.

The bill was read the second time.

MOTION

Senator Barr moved that the following amendment be adopted:

On page 4, line 4, after "treasury" and before the semicolon, insert "Funds provided under this subsection shall not be used to purchase individual parcels of real property located east of the crest of the Cascade mountain range if the individual parcel exceeds one hundred fifty acres in size".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Sutherland, as I read this, the commissioners seek to, as Senator Barr spoke, buy the development rights, not the land. I am sure you are aware of what they do in South Dakota and North Dakota where they do pay the ranchers a certain stipend yearly for the preservation of habitat. I think this is what those people in eastern Washington are talking about. Are you aware of that?"

Senator Sutherland: "Senator, the specific reference that you are making to the letter from Okanogan County--in the last paragraph on the first page in that specific instance, they are referring to the development rights. If you will turn to the next page, actually the second page following, Resolution 89-1, on the bottom where it says, 'Resolved,' you will note in the second to last line, it says, 'acquisition,' and then it goes on to say, 'wildlife.' The importance of that, Senator, is to note that there are those organizations in eastern Washington that are concerned with not just the development right purchasing, but also with acquisition.

"I think those coalition members that are listed on the front page of that hand-out, and there are a good number of them, had a full knowledge of the legislation that was being proposed, had full knowledge of the intention of the individuals that put this together and, in fact, were a part of putting the whole proposal together,

and were supportive of that entire proposal. That proposal included the acquisition of property and the acquisition of development rights."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on page 4, line 4, by Senator Barr to Reengrossed Substitute House Bill No. 2964.

The motion by Senator Barr failed and the amendment was not adopted.

MOTION

Senator Metcalf moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.010 are each amended to read as follows:

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion two hundred (~~twenty-seven~~) two million dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1989-1991 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto, and to provide for reimbursement of bond-funded accounts from the 1987-1989 fiscal biennium.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance, letters of credit, or other credit enhancements and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 2. Section 2, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.020 are each amended to read as follows:

Bonds issued under RCW 43.99H.010 are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion two hundred (~~twenty-seven~~) two million dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1989-91 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects, and to provide for reimbursement of bond-funded accounts from the 1987-89 fiscal biennium. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Thirty million dollars to the state and local improvements revolving account—waste disposal facilities, created by RCW 43.83A.030, to be used for the purposes described in RCW 43.83A.020;

(2) Five million three hundred thousand dollars to the salmon enhancement construction account created by RCW 75.48.030;

(3) One hundred twenty million dollars to the state and local improvements revolving account—waste disposal facilities, 1980 created by RCW 43.99F.030, to be used for the purposes described in RCW 43.99F.020;

(4) Forty million dollars to the common school construction (~~account~~) fund as referenced in RCW 28A.40.100;

(5) Three million two hundred thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(6) Six hundred seventy-four million dollars to the state building construction account created by RCW 43.83.020;

(7) Nine hundred fifty thousand dollars to the higher education reimbursable short-term bond account created by RCW 43.99G.020(6);

(8) Three million two hundred thirty thousand dollars to the outdoor recreation account created by RCW 43.99.060;

(9) Sixty million dollars to the state and local improvements revolving account—water supply facilities, created by RCW (~~(43.83B.030)~~) 43.99E.020 to be used for the purposes described in chapter 43.99E RCW;

(10) (~~Seven~~) Four million ~~three hundred thousand~~ dollars to the state social and health services construction account created by RCW 43.83H.030;

(11) Two hundred fifty thousand dollars to the fisheries capital projects account created by RCW (~~(43.83F.166)~~) 43.83I.040;

(12) Four million nine hundred thousand dollars to the state facilities renewal account created by RCW 43.99G.020(5);

(13) Two million three hundred thousand dollars to the essential rail assistance account created by RCW 47.76.030;

(14) One million one hundred thousand dollars to the essential rail bank account hereby created in the state treasury;

(15) Seventy-three million dollars to the east capitol campus construction account hereby created in the state treasury;

(16) Eight million dollars to the higher education construction account created in RCW 28B.14D.040;

(17) Sixty-three million two hundred thousand dollars to the labor and industries construction account hereby created in the state treasury; and

(18) Seventy-five million dollars to the (~~(University of Washington building)~~) higher education construction account created by RCW (~~(43.79.000)~~) 28B.14D.040.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

Bonds authorized for the purposes of subsection (17) of this section shall be issued only after the director of the department of labor and industries has certified, based on reasonable estimates, that sufficient revenues will be available from the accident fund created in RCW 51.44.010 and the medical aid fund created in RCW 51.44.020 to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Bonds authorized for the purposes of subsection (18) of this section shall be issued only after the board of regents of the University of Washington has certified, based on reasonable estimates, that sufficient revenues will be available from nonappropriated local funds to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Sec. 3. Section 8, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.080 are each amended to read as follows:

The legislature may provide additional means for raising moneys for the payment of the principal (~~(of)~~) and interest on the bonds authorized in RCW 43.99H.010(~~(-and)~~), RCW 43.99H.030 and 43.99H.040 shall not be deemed to provide an exclusive method for the payment.

Sec. 4. Section 3, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.030 are each amended to read as follows:

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99H.020 (1) through (14) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

Sec. 5. Section 2, chapter 127, Laws of 1972 ex. sess. as last amended by section 2, chapter 136, Laws of 1989 and by section 10, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.83A.020 are each reenacted to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred ninety-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. As used in this section the phrase "public waste disposal facilities" shall not include the acquisition of equipment used to collect, carry, and transport garbage. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 6. Section 2, chapter 234, Laws of 1979 ex. sess. as amended by section 4, chapter 136, Laws of 1989 and by section 11, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99E.015 are each reenacted to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-five million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

Sec. 7. Section 2, chapter 159, Laws of 1980 as last amended by section 6, chapter 136, Laws of 1989 and by section 12, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99F.020 are each reenacted to read as follows:

For the purpose of providing funds to public bodies for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities, or for purposes of assisting a public body to obtain an ownership interest in waste disposal and management facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred thirty million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for: (1) the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW 56.08.020. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

Sec. 8. Section 2, chapter 308, Laws of 1977 ex. sess. as last amended by section 8, chapter 136, Laws of 1989 and by section 15, chapter 14, Laws of 1989 1st ex. sess. and RCW 75.48.020 are each reenacted to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of salmon hatcheries, other salmon propagation facilities including natural production sites, and necessary supporting facilities within the state, the state finance committee may issue general obligation bonds of the state of Washington in the sum of twenty-nine million two hundred thousand dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 9. Section 3, chapter 97, Laws of 1965 ex. sess. as last amended by section 2, chapter 214, Laws of 1984 and RCW 77.12.203 are each amended to read as follows:

(1) Notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after the effective date of this act to the department from other state agencies.

NEW SECTION. Sec. 10. Amounts saved by operation of section 9 of this act during the 1989-91 fiscal biennium may be used only for financing capital facilities.

NEW SECTION. Sec. 11. By June 30, 1991, the state treasurer shall transfer the following amounts from the general fund:

- (1) \$131,000,000 to the state building construction account;
- (2) \$26,500,000 to the outdoor recreation account;
- (3) \$26,500,000 to the habitat conservation account; and
- (4) \$8,000,000 to the public safety reimbursable bond account hereby created in the state treasury.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Metcalf to Reengrossed Substitute House Bill No. 2964.

The motion by Senator Metcalf failed and the striking amendment was not adopted.

MOTION

On motion of Senator Newhouse, the rules were suspended, Reengrossed Substitute House Bill No. 2964 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 2964.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 2964 and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams - 39.

Voting nay: Senators Barr, Cantu, McCaslin, Metcalf, Newhouse, Patterson, Rasmussen, Thorsness, Wajahn - 9.

Excused: Senator Matson - 1.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 2964, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:17 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 1:34 a.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6407 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 6407

Adopting the supplemental operating budget.

March 31, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That all previous amendments be rejected and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

*INDEX

- Accountancy Board, sec. 124
- Administrator for the Courts, sec. 109
- Agriculture Department, sec. 312
- Air Transportation Commission, sec. 403
- Attorney General, sec. 115
- Basic Health Plan, sec. 230
- Belated Claims, sec. 706
- Central Washington University, secs. 601, 606
- Community College Education Board, secs. 601, 602
- Community Development Department, sec. 225
- Corrections Department, sec. 229
- Court of Appeals, sec. 107
- Criminal Justice Training Commission, sec. 226
- Eastern Washington University, secs. 601, 605
- Ecology Department, sec. 302
- Employment Security Department, sec. 231
- Energy Office, sec. 301
- Environmental Hearings Office, sec. 305
- Financial Management Office, sec. 116
- Fisheries Department, sec. 307
- General Administration Department, sec. 121
- Governor, secs. 703, 704, 705, 708
 - Compensation, Salary, and Insurance Benefits, sec. 708
 - Emergency Fund, sec. 705
 - Self-Insurance Fund Premiums, sec. 703
 - Tort Claims Revolving Fund, sec. 704
- Health Care Authority, sec. 224
- Health Department, sec. 232
- Higher Education Coordinating Board, secs. 601, 609, 610
- House of Representatives, sec. 101
- Housing Trust Fund, sec. 234
- Indian Affairs, Governor's Office, sec. 113
- Information Services Department, sec. 122
- Insurance Commissioner, sec. 123
- Interagency Committee for Outdoor Recreation, sec. 304
- Investment Board, sec. 119
- Judicial Conduct Commission, sec. 108
- Labor and Industries Department, sec. 227
- Legislative Budget Committee, sec. 103
- Lieutenant Governor, sec. 110
- Liquor Control Board, sec. 125
- Licensing Department, sec. 402
- Military Department, sec. 128
- Natural Resources Department, secs. 309-311
- Parks and Recreation Commission, sec. 303
- Personnel Department, sec. 117
- Pollution Liability Reinsurance Program, sec. 314
- Public Disclosure Commission, sec. 111
- Public Employment Relations Commission, sec. 129
- Redistricting Commission, sec. 105
- Retirement Systems Department, sec. 118
- Retirement Contributions, secs. 709, 710
- Revenue Department, sec. 120
- Secretary of State, sec. 112
- Senate, sec. 102
- Social and Health Services Department, secs. 201-223
 - Administration and Supporting Services, sec. 220
 - Alcohol and Drug Support, secs. 212, 213
 - Child Protective Services, sec. 203
 - Children and Family Services, secs. 202, 204
 - Community Services Administration, sec. 221
 - Community Social Services, sec. 211
 - Developmental Disabilities Program, sec. 207
 - Drug Enforcement and Education Account, secs. 214-217
 - General Assistance—Unemployable Program, sec. 210
 - Income Assistance Program, sec. 209
 - Juvenile Rehabilitation Program, sec. 205

- Medical Assistance Program, sec. 218
- Mental Health Program, sec. 206
- Long-Term Care Services, sec. 208
- Payments to Other Agencies, sec. 223
- Public Health Program, sec. 219
- Revenue Collections Program, sec. 222
- Vendor Rate Increases, sec. 201
- State Actuary, sec. 104
- State Auditor, sec. 114
- State Capitol Historical Association, sec. 613
- State Convention and Trade Center, sec. 313
- State Library, sec. 612
- State Patrol, sec. 401
- State Treasurer, secs. 701, 702, 711
 - Federal Revenues for Distribution, sec. 702
 - State Revenues for Distribution, sec. 701
 - Transfers, sec. 711
- Sundry Claims, sec. 707
- Superintendent of Public Instruction, secs. 501-518
 - Employee Compensation, secs. 504-506
 - General Apportionment, sec. 502
 - Handicapped Education, sec. 509
 - Highly Capable Students Programs, sec. 512
 - Institutional Education Programs, sec. 511
 - Learning Assistance Program, sec. 516
 - Local Education Program Enhancement Funds, sec. 517
 - Local Effort Assistance, sec. 510
 - Pupil Transportation, sec. 507
 - School District Support, sec. 513
 - Special and Pilot Programs, sec. 514
 - State Administration, sec. 501
 - State Board of Education, sec. 518
 - Supplies, Materials, and Equipment, sec. 503
 - Transitional Bilingual Programs, sec. 515
 - Vocational-Technical Institutes, sec. 508
- Supreme Court, sec. 106
- The Evergreen State College, secs. 601, 607
- Trade and Economic Development Department, sec. 306
- University of Washington, secs. 601, 603
- Utilities and Transportation Commission, sec. 126
- Veterans Affairs Department, sec. 228
- Volunteer Fire Fighters' Board, sec. 127
- Washington Institute of Applied Technology, sec. 611
- Washington State University, secs. 601, 604
- Western Washington University, secs. 601, 608
- Wildlife Department, sec. 308

PART I
GENERAL GOVERNMENT

Sec. 101. Section 101, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

| | | |
|----------------------------------|----|-------------------|
| General Fund Appropriation | \$ | ((49,300,000)) |
| | | <u>49,620,000</u> |

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$150,000 is provided solely to contract for an evaluation of Seattle public schools.
- (2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state.
- (3) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

Sec. 102. Section 102, chapter 19, Laws of 1989 1st ex. sess. (uncodified) d is amended to read as follows:

FOR THE SENATE

| | | |
|----------------------------------|----|-------------------|
| General Fund Appropriation | \$ | ((36,751,000)) |
| | | <u>37,006,000</u> |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state.

(2) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

Sec. 103. Section 103, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ ~~((1,864,000))~~
1,889,000

The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to plan and contract for an independent evaluation of state-operated and community-operated residential services for developmentally disabled clients. The evaluation shall document the efforts of the department of social and health services and compare the cost and quality of state-operated and community-operated services. The evaluation shall make recommendations to the legislature on expansion of community programs and the role of residential habilitation centers in the range of programs available to persons with developmental disabilities. The impact of auditing procedures, funding sources, and limitations on capital and operating budgets shall be included. The evaluation shall be submitted to the legislature by December 1, 1991.

Sec. 104. Section 105, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund Appropriation \$ ~~((1,098,000))~~
1,219,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$100,000 is provided solely for implementation of the employee benefits communication project by the joint committee on pension policy.

NEW SECTION. Sec. 105. FOR THE REDISTRICTING COMMISSION

General Fund Appropriation \$ 221,000

Sec. 106. Section 108, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ~~((13,404,000))~~
13,497,000

The appropriation in this section is subject to the following conditions and limitations: \$5,013,000 is provided solely for the indigent appeals program.

Sec. 107. Section 110, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation \$ ~~((13,765,000))~~
13,932,000

The appropriation in this section is subject to the following conditions and limitations: \$354,000 is provided solely for an additional judgeship in division I of the court of appeals. ~~((If neither Senate Bill No. 5189 nor House Bill No. 1802 is enacted by June 30, 1989, this amount of the appropriation shall lapse.))~~

Sec. 108. Section 111, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ~~((594,000))~~
684,000

Sec. 109. Section 112, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ~~((26,481,000))~~
27,607,000

Public Safety and Education Account Appropriation \$ ~~((22,850,000))~~
23,200,000

Total Appropriation \$ ~~((49,331,000))~~
50,807,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state.

Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) ~~\$(15,555,000))~~ 16,681,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the public safety and education account appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119 (court interpreters). If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the guidelines of the department of information services. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost/benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; current and projected debt service costs; descriptions of the services provided to each court jurisdiction; and a plan for requiring local matching funds.

(10) \$175,000 of the public safety and education account appropriation is provided solely for development of trial court demonstration projects. This amount shall be matched by at least an equal amount from federal funds. By January 1, 1991, the office shall report to the house of representatives appropriations committee and the senate ways and means committee on development of these projects.

(11) \$100,000 of the public safety and education account appropriation is provided solely to implement recommendations from the gender and justice task force. Of this amount: (a) \$45,000 is provided solely for creation of a task force on domestic violence issues. The task force shall undertake a study of domestic violence issues in the criminal justice system and make recommendations for domestic violence reform; (b) \$25,000 is provided solely for the office of the administrator for the courts to initiate measures to educate and train judges, attorneys, and court personnel on domestic violence issues; and (c) \$30,000 is provided solely for a joint study of spousal maintenance and property division issues by the legislature and the superior court judges' association. By January 1, 1991, the study shall recommend changes to achieve greater economic equity among family members following dissolution of a marriage.

(12) \$75,000 of the public safety and education account appropriation is provided solely for the minority and justice task force program to implement recommendations from the minority and justice task force.

Sec. 110, Section 114, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR
 General Fund Appropriation \$ ((492,000))
542,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely to establish an information clearinghouse to encourage and promote public/private partnerships.

Sec. 111. Section 115, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

| | | |
|----------------------------------|----|--------------------------|
| General Fund Appropriation | \$ | ((1,289,000)) |
| | | <u>1,296,000</u> |

Sec. 112. Section 116, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

| | | |
|---|----|---------------------------|
| General Fund Appropriation | \$ | ((8,042,000)) |
| | | <u>8,242,000</u> |
| Archives and Records Management Account Appropriation | \$ | ((2,571,000)) |
| | | <u>2,659,000</u> |
| Department of Personnel Service Fund Appropriation | \$ | <u>447,000</u> |
| Total Appropriation | \$ | ((11,060,000)) |
| | | <u>11,348,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$1,074,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$2,542,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

(5) \$200,000 of the general fund appropriation is provided solely to reimburse counties for costs associated with reporting absentee ballots by precinct, pursuant to chapter 262, Laws of 1990.

Sec. 113. Section 117, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

| | | |
|----------------------------------|----|------------------------|
| General Fund Appropriation | \$ | ((290,000)) |
| | | <u>299,000</u> |

Sec. 114. Section 120, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

| | | |
|--|----|---------------------------|
| General Fund Appropriation | \$ | <u>902,000</u> |
| Motor Vehicle Fund Appropriation | \$ | <u>225,000</u> |
| Municipal Revolving Fund Appropriation | \$ | ((16,252,000)) |
| | | <u>16,567,000</u> |
| Auditing Services Revolving Fund Appropriation | \$ | ((10,338,000)) |
| | | <u>10,409,000</u> |
| Total Appropriation | \$ | ((27,727,000)) |
| | | <u>28,103,000</u> |

Sec. 115. Section 122, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | ((6,188,000)) |
| | | <u>7,148,000</u> |
| General Fund Appropriation—Federal | \$ | <u>1,664,000</u> |
| Legal Services Revolving Fund Appropriation | \$ | ((70,713,000)) |
| | | <u>72,374,000</u> |
| Motor Vehicle Fund Appropriation | \$ | <u>761,000</u> |
| New Motor Vehicle Arbitration Account Appropriation | \$ | <u>1,716,000</u> |
| Total Appropriation | \$ | ((81,042,000)) |
| | | <u>83,663,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$761,000 of the motor vehicle fund appropriation is provided solely to pursue highway bid-rigging anti-trust litigation and shall be expended only after the office of financial management approves plans for any expenditures.

(2) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(3) ~~S((101,000))~~ 941,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general

shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include ~~((the))~~ sexual offenses and other serious violent crimes ((of rape, robbery, and arson)), as recommended by the governor's task force on community protection. The report shall include a local agency financial participation analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol. \$760,000 of the amount provided in this subsection shall not be expended until the report is submitted to the legislature and shall be conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(4) \$220,000 of the legal services revolving fund appropriation is provided solely for the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(5) \$200,000 of the general fund—state appropriation is provided solely for grants to local governments for the operating expenses of crime stoppers programs to increase public awareness and assistance in solving crimes. The attorney general shall seek a geographic distribution of the grants under this subsection and may require matching funds from the local government. No more than \$16,000 of the amount provided in this subsection may be expended by the attorney general for administrative expenses.

(6) The attorney general shall prepare an expenditure report describing actual expenditures from the legal services revolving fund for each agency receiving legal services. The report shall cover expenditures for fiscal year 1990. For each agency, the report shall describe: (a) Estimated and actual expenditures, including expenditures authorized through interagency agreements; (b) estimated and actual staffing levels; (c) services provided; and (d) current and future legal issues facing the agency. The report shall be submitted to the office of financial management and the fiscal committees of the house of representatives and senate by September 1, 1990.

(7) The attorney general shall notify the fiscal committees of the house of representatives and senate of any proposed interagency agreement for legal services. Notification shall be provided concurrently with the initial submittal of information on the proposed agreement to the office of financial management. Notification shall describe the purpose of the agreement, the cost of the legal services, and the need, if any, for continuation of these legal services beyond the period covered under the agreement.

Sec. 116, Section 123, chapter 19, Laws of 1989 1st ex. sess. (unmodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

| | | |
|--|----|---------------------------|
| General Fund Appropriation | \$ | ((22,519,000)) |
| | | 22,944,000 |
| Public Facility Construction Loan Revolving Fund Appropriation | \$ | 375,000 |
| Hospital Commission Account Appropriation | \$ | 844,000 |
| Motor Vehicle Fund Appropriation | \$ | 101,000 |
| Total Appropriation | \$ | ((23,464,000)) |
| | | 24,264,000 |

The appropriations in this section are subject to the following conditions and limitations: ~~((2))~~ (1) \$845,000 of the general fund appropriation and \$844,000 of the hospital commission account appropriation are provided solely for fiscal year 1991 and are subject to the following conditions:

(a) If, by June 30, 1989, Substitute Senate Bill No. 5385 (hospital data collection) is enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of Substitute Senate Bill No. 5385.

(b) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of data collection previously performed by the hospital commission.

(c) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is not created, the amounts provided in this subsection shall be retained by the office of financial management solely for the purposes of data collection previously performed by the hospital commission.

~~((7))~~ (2) The office of financial management shall study the effect on county revenues resulting from the designation of timber for processing within the state as specified under section 2 of Substitute Senate Bill No. 5911. The study shall determine the magnitude of revenue changes and shall include recommendations on methods to determine whether county forest board revenues declined, the amount of any decline, and possible methods to compensate counties for any decrease in revenue. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

(4) \$50,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6832 (juvenile rehabilitation study). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) The public facility construction loan revolving fund appropriation and \$375,000 of the general fund appropriation are provided solely for the worker training study pursuant to section 4 of Engrossed Senate Bill No. 6411. If the bill is not enacted by June 30, 1990, the amount provided in this section shall lapse.

(6) The Washington state commission for efficiency and accountability in government shall develop a plan and make recommendations for a structure, process, and methodologies to evaluate program effectiveness. The plan shall address general evaluation research techniques, data requirements, and cost estimates of various methods to evaluate the effectiveness of state-funded programs. The plan shall identify alternatives to current program evaluation that are based on the evaluation of expected programmatic outcomes. The commission shall submit a preliminary report of findings and recommendations to the appropriate legislative committees by March 1, 1991.

(7) Within the appropriations provided in this section, the office of financial management shall study the state's program for the school for the blind and the school for the deaf. The study shall determine the management organization and fiscal practices necessary for maximum operational and financial efficiency of the school. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

Sec. 117, Section 125, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation \$ ~~(14,490,000)~~
15,585,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$80,000 of this amount is provided solely for the establishment of the new leadership fellowship program with Hyogo prefecture in Japan.

(2) \$670,000 is provided solely for implementation of Engrossed House Bill No. 1360, House Bill No. 2236, or the career executive management program portion of Substitute Senate Bill No. 5140. If none of these bills is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) The department of personnel shall survey the compensation practices of comparable in-state and out-of-state law enforcement agencies. The survey shall consider the degree to which duties, skills, and working conditions are shared by classifications such as wildlife agents, fisheries agents, and members of the Washington state patrol, all of whom have full police powers. The department shall report on the survey findings to the legislature by January 1, 1990.

(4) \$65,000 is provided solely for an additional staffperson with expertise in compensation policy.

(5) \$166,000 is provided solely to implement weekend and evening tests for job applicants for state personnel board positions, to conduct a systematic review and update of state personnel tests, and to provide additional score sheet information when reporting test results to applicants.

Sec. 118, Section 130, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation \$ ~~(22,301,000)~~
23,209,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$908,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

(6) \$678,000 is provided solely to implement chapter 8, Laws of 1990 (Substitute Senate Bill No. 6594, notification of service credit), Substitute House Bill No. 2643 (survivor's options), and Substitute House Bill No. 2644 (service credit calculations).

(7) \$150,000 is provided solely for preparation and distribution of educational and informational material on retirement for the members of the state's retirement systems. The material shall include, but not be limited to, an update of the plan statements of the state's retirement systems in a readily understandable form, development of easily understood explanations of specific retirement benefits and procedures for obtaining such benefits, and orientation information on retirement.

Sec. 119. Section 131, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

| | | |
|--|----|------------------------|
| State Investment Board Expense Account Appropriation | \$ | (2,015,000) |
| | | 2,111,000 |

The appropriation in this section is subject to the following conditions and limitations: \$142,000 is provided solely for the information systems project known as the state-wide investment management system.

Sec. 120. Section 132, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

| | | |
|---|----|-------------------------|
| General Fund Appropriation | \$ | (75,729,000) |
| | | 77,973,000 |
| Timber Tax Distribution Account Appropriation | \$ | (3,382,000) |
| | | 3,396,000 |
| State Toxics Control Account Appropriation | \$ | 100,000 |
| Solid Waste Management Account Appropriation | \$ | 92,000 |
| Pollution Liability Reinsurance Trust Account Appropriation | \$ | 286,000 |
| Vehicle Tire Recycling Account Appropriation | \$ | 122,000 |
| Total Appropriation | \$ | (79,711,000) |
| | | 81,969,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$286,000 of the pollution liability reinsurance trust account appropriation is provided solely for implementation of Second Substitute House Bill No. 1180. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(2) \$122,000 of the vehicle tire recycling account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(4) \$1,936,000 of the general fund appropriation is provided solely for defense of the state in legal actions involving utility litigation relating to property tax.

(5) The department shall immediately take such steps as are necessary to promulgate and implement a rule providing for fair and equitable application of business and occupation tax to persons engaging in business as tour operators.

Sec. 121. Section 137, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | (8,576,000) |
| | | 9,296,000 |
| General Fund Appropriation—Federal | \$ | 1,715,000 |
| General Fund Appropriation—Private/Local | \$ | 99,000 |
| Motor Vehicle Fund Appropriation | \$ | ((336,000)) |
| | | 368,000 |
| Resource Management Cost Account Appropriation | \$ | 2,000 |
| State Wildlife Account Appropriation | \$ | 4,000 |
| Accident Fund Appropriation | \$ | 1,000 |
| State Patrol Highway Account Appropriation | \$ | 228,000 |
| Motor Transport Account Appropriation | \$ | 10,712,000 |
| General Administration Facilities and Services Revolving Fund Appropriation | \$ | ((21,498,000)) |
| | | 22,901,000 |
| Total Appropriation | \$ | ((43,156,000)) |
| | | 45,326,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund appropriation (and), state patrol highway account appropriation, resource management cost account appropriation, state wildlife account appropriation, and accident account appropriation are provided solely for risk management activities related to ((the motor vehicle fund and the state patrol highway account)) those specific funds and accounts.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

(3) \$117,000 of the general fund—state appropriation is provided solely for the processing of asbestos claims on behalf of state agencies. All revenue from the claims shall be deposited in the general fund.

NEW SECTION. Sec. 122. VIDEO TELECOMMUNICATIONS SYSTEM. \$1,209,000 is appropriated from the general fund to the department of information services for state-wide video telecommunications, of which: (1) \$179,000 is provided solely to develop a plan for cost-effective, incremental implementation of a coordinated state-wide video telecommunications system, pursuant to chapter 208, Laws of 1990; (2) \$1,000,000 is provided solely for the purchase of video telecommunications equipment deemed by the information services board to be essential and critical components of a coordinated state-wide video telecommunications system; and (3) \$30,000 is provided solely for transfer to the superintendent of public instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general. The superintendent shall prepare and submit a report to the legislature no later than January 15, 1991. The report shall include findings and recommendations, including policy options related to allowing, prohibiting, or limiting the use of commercial promotional activities, or commercial sponsorship activities, in the public school system.

Sec. 123. Section 139, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

| | | |
|---|----|---------------------------|
| Insurance Commissioner's Regulatory Account Appropriation | \$ | ((12,126,000)) |
| | | 12,498,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$27,000 is provided solely to implement Engrossed Senate Bill No. 6834 (small business basic health plan).

(2) The insurance commissioner shall report to the appropriate committees of the legislature by December 1, 1990, on the availability and cost of property insurance for businesses and residences located in inner city areas. The report shall analyze options for increasing the availability and reducing the cost of such insurance.

Sec. 124. Section 140, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

| | | |
|---|----|--------------------------|
| General Fund Appropriation | \$ | ((443,000)) |
| | | 461,000 |
| Certified Public Accountant Examination Account Appropriation | \$ | 655,000 |
| Total Appropriation | \$ | ((1,096,000)) |
| | | 1,116,000 |

Sec. 125. Section 144, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

| | | |
|---|----|---------------------------|
| Liquor Revolving Fund Appropriation | \$ | ((95,098,000)) |
| | | 96,229,000 |

Sec. 126. Section 146, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

| | | |
|--|----|---------------------------|
| Public Service Revolving Fund Appropriation | \$ | ((26,245,000)) |
| | | 26,522,000 |
| Grade Crossing Protective Fund Appropriation | \$ | 320,000 |
| Total Appropriation | \$ | ((26,565,000)) |
| | | 26,842,000 |

The appropriations in this section are subject to the following conditions and limitations: ~~\$(347,000)~~ 277,000 of the public service revolving fund appropriation is ~~((contingent on the enactment))~~ provided solely for implementation of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

Sec. 127. Section 147, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER ~~((FIREMEN))~~ FIRE FIGHTERS

| | | |
|---|----|------------------------|
| Volunteer Fire Fighters' Relief and Pension Administrative Fund | | |
| Appropriation | \$ | ((315,000)) |
| | | 328,000 |

Sec. 128. Section 148, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

| | | |
|--|----|--------------------------|
| General Fund Appropriation—State | \$ | ((8,087,000)) |
| | | 8,097,000 |
| General Fund Appropriation—Federal | \$ | 6,425,000 |

Total Appropriation \$ ~~((14,512,000))~~
 14,522,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund—state appropriation is provided solely for a recruiting brochure for the 81st infantry brigade.

Sec. 129. Section 149, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ ~~((1,819,000))~~
 1,855,000

The appropriation in this section is subject to the following conditions and limitations: \$36,000 is provided solely for unanticipated attorney general charges.

PART II
 HUMAN SERVICES

Sec. 201. Section 202, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases that specifically reference this section and that are funded by appropriations in sections 201 through 219 of this act ((which reference this section)), the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider the gap between the vendor group's costs or market rates and department rates, and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on January 1, 1990, does not exceed three percent and that the average overall increase on January 1, 1991, does not exceed two percent. The department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section does not apply to rates for hospitals and nursing homes reimbursed under chapter 74.46 RCW.

Sec. 202. Section 203, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State \$ ~~((262,488,000))~~
 276,824,000

General Fund Appropriation—Federal \$ ~~((161,172,000))~~
 171,515,000

Drug Enforcement and Education Account Appropriation \$ 2,000,000

Public Safety and Education Account Appropriation \$ 400,000

Total Appropriation \$ ~~((424,666,000))~~
 450,739,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,152,000 of the general fund—state appropriation and \$293,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$~~((3,926,000))~~ 4,926,000 of the general fund—state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

- (6) ~~\$(694,000)~~ 929,000 of the general fund—state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, Clark, and Jefferson counties.
- (7) \$300,000 of the general fund—state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which support may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.
- (8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.
- (9) \$5,133,000 of the general fund—state appropriation and \$2,559,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.
- (10) \$2,020,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.
- (11) \$250,000 of the general fund—state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spent for grants or loans to employers.
- (12) ~~\$(500,000)~~ 2,150,000 of the general fund—state appropriation is provided solely for continuation of the "continuum of care" projects ~~((as provided for in section 203(15), chapter 289, Laws of 1988;))~~ through June 30, ~~((1990))~~ 1991. \$1,400,000 of this amount is provided solely for continuation of direct services provided at the three existing sites. In addition, \$250,000 is provided solely for a fourth site. The legislature intends that associated research be limited to the collection of risk assessment data on children served by these sites.
- (13) \$1,525,000 of the general fund—state appropriation is provided solely for treatment of sexually abused children pursuant to sections 1402 and 1403, chapter 3, Laws of 1990.
- (14) \$1,196,000 of the general fund—state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to chapter 3, Laws of 1990.
- (15) \$175,000 of the general fund—state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective service caseworkers pursuant to chapter 3, Laws of 1990.
- (16) \$55,000 of the general fund—state appropriation is provided solely for Volunteers of America of Spokane's crosswalk project.
- (17) \$245,000 of the general fund—state appropriation is provided solely for state-wide parent education and support, including such groups as Parents Anonymous. Of this amount, \$45,000 is provided for the Washington council for the prevention of child abuse and neglect to monitor programs and further develop the database clearinghouse project.
- (18) \$1,038,000 of the general fund—state appropriation and \$312,000 of the general fund—federal appropriation are provided for adoption support. Of this amount, \$137,000 of the general fund—state appropriation and \$135,000 of the general fund—federal appropriation are provided solely for reconsideration of adoption support pursuant to Engrossed House Bill No. 2602.
- (19) \$204,000 of the general fund—state appropriation and \$28,000 of the general fund—federal appropriation are provided solely for foster care preservice training pursuant to section 2 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.
- (20) \$93,000 of the general fund—state appropriation and \$13,000 of the general fund—federal appropriation are provided solely for on-site monitoring of family foster homes and reporting requirements pursuant to section 4 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.
- (21) \$430,000 of the general fund—state appropriation is provided solely for respite care pursuant to section 8 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.
- (22) \$37,000 of the general fund—state appropriation and \$5,000 of the general fund—federal appropriation are provided solely for additional training to foster parents pursuant to

section 13 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) No more than \$210,000 of the general fund—state appropriation may be spent to increase the administrative rate paid to child placement agencies, effective July 1, 1990.

(24) \$355,000 of the general fund—state appropriation and \$49,000 of the general fund—federal appropriation are provided solely for the recruitment of foster parents pursuant to section 15 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$125,000 of the general fund—state appropriation and \$17,000 of the general fund—federal appropriation are provided solely to develop and implement a foster parent survey tool pursuant to section 17 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(26) \$344,000 of the general fund—state appropriation and \$47,000 of the general fund—federal appropriation are provided solely for parental rights termination casework consistent with policy established in sections 31 through 33 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(27) \$9,800,000 of the general fund—state appropriation and \$1,292,000 of the general fund—federal appropriation are provided solely to increase, by a uniform percentage, vendor rates for out-of-home placements, including juvenile group homes, effective July 1, 1990.

(28) \$1,850,000 of the general fund—state appropriation is provided solely to implement the family independence program child care rate structure and child slot system in other child care programs offered by the department, effective January 1, 1991.

(29) \$300,000 of the general fund—state appropriation is provided solely for domestic violence programs.

(30) \$600,000 of the general fund—state appropriation is provided solely for child care for clients of the maternity care access ("first steps") program.

(31) \$2,000,000 of the general fund—state appropriation is provided solely for the expansion of womens, infants, and children (WIC) program to eligible children from birth to age six.

(32) \$1,502,000 of the general fund—state appropriation and \$91,000 of the general fund—federal appropriation are provided solely for child care licensing. The legislature intends that .3 of an attorney general FTE be added at the effective date of this act, and that an additional 2.0 attorneys general FTEs be added effective January 1, 1991.

(33) \$2,000,000 of the drug enforcement and education account appropriation is provided solely for the care of children affected by substance abuse by their mothers. Of this amount:

(a) \$600,000 is provided solely for the treatment of infants who are medically fragile as a result of substance abuse by their mothers. Treatment shall be provided at pediatric interim care centers that give temporary medical care to detoxify foster care infants born under the influence of cocaine or other drugs, including alcohol; and

(b) \$1,400,000 is provided solely to increase the number of special needs infants and children receiving therapeutic child care services.

(34) Authority to expend funds for the womens, infant, and children (WIC) data systems project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(35) Authority to expend funds for the children services case and management information system (CAMIS) project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(36) \$370,000 of the general fund—state appropriation is provided solely to implement Engrossed House Bill No. 2602 subject to the following conditions and limitations:

(a) \$100,000 is provided solely for comprehensive adoption training for public agencies and private nonprofit organizations that provide pregnancy information and counseling to women;

(b) \$240,000 is provided solely for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW for additional staff to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children;

(c) \$30,000 is provided solely for extended general assistance benefits to pregnant women as provided in section 2 of Engrossed Substitute House Bill No. 2602. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(37) \$30,000 of the general fund—state appropriation is provided solely for a study on adoption to be conducted by the senate, house of representatives, administrator for the courts, and the department of social and health services. Of the amount provided in this subsection, \$5,000 shall be provided to the senate, \$5,000 shall be provided to the house of representatives, \$10,000 shall be provided to the administrator for the courts, and \$10,000 shall be provided to the department of social and health services. A report shall be submitted to the appropriate committees of the legislature and shall include: (a) Recommended guidelines for minimum standards for adoption; and (b) recommended statutory and administrative changes to better

provide for the needs of persons involved in adoption. The department shall request that the state adoption council, the state bar association, and the state medical association participate in the study.

NEW SECTION. Sec. 203. CHILD PROTECTIVE SERVICES AND CHILD WELFARE SERVICES. \$4,569,000, of which \$569,000 is from federal funds, is appropriated from the general fund to the department of social and health services, children and family services program, solely for the direct and indirect costs of additional caseworkers for child protective services and child welfare services who are hired above the level appropriated in the 1989 legislative session, in order to reduce the caseload ratios for those services. Not more than 90 FTEs per month over the levels appropriated by the legislature in 1989 may be supported with these funds. At least \$3,000,000 of the appropriation shall be used for salaries and benefits of the caseworkers and supervisors. \$2,000,000 of the appropriation shall not be expended before November 1, 1990. Not more than \$460,000 of the appropriation shall be used for additional attorneys general and supporting staff. Not more than \$1,000,000 of the appropriation shall be used for equipment, training, office space, and additional clerical support for the caseworkers and supervisors.

Sec. 204. Section 14, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The sum of ten million one hundred fifty-three thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand dollars shall be from federal funds, is appropriated from the ((state)) general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act. At least \$100,000 of the appropriation shall be spent for public education and information on the service system. \$200,000 of the appropriation shall be transferred by July 1, 1990, to the University of Washington for evaluation of the maternity care access program as prescribed in Engrossed Substitute House Bill No. 2603. It is the intent of the legislature that resources for this study be used in an efficient manner and that existing data bases be used to the extent possible.

Sec. 205. Section 204, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((33,512,000)) |
| | | <u>35,439,000</u> |
| General Fund Appropriation—Federal | \$ | 134,000 |
| Total Appropriation | \$ | ((33,646,000)) |
| | | <u>35,573,000</u> |

The appropriations in this subsection are subject to the following conditions and limitations:
 (a) \$418,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(b) \$554,000 of the general fund—state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(c) \$1,046,000 of the general fund—state appropriation is provided solely for the cost of court-ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to chapter 3, Laws of 1990.

(d) \$710,000 of the general fund—state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(e) \$171,000 of the general fund—state appropriation is provided solely for the costs of juvenile sex offender treatment coordinators, providing training for regional staff, and establishing resource libraries as recommended by the governor's task force on community protection.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((47,370,000)) |
| | | <u>47,729,000</u> |
| General Fund Appropriation—Federal | \$ | 871,000 |
| Total Appropriation | \$ | ((48,241,000)) |
| | | <u>48,600,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(a) The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

((a)) (i) Offenders who can be diverted to community programs;

((b)) (ii) Community programs necessary to successfully divert offenders from state facilities;

((c)) (iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;

((d)) (iv) The costs to state and local organizations to accomplish the plan; and

((e)) (v) Policy changes necessary to accomplish the plan.

(b) \$284,000 of the general fund—state appropriation is provided solely for juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, as recommended by the governor's task force on community protection.

(3) PROGRAM SUPPORT

General Fund Appropriation \$ 2,905,000

Sec. 206, Section 205, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State \$ ~~((168,222,000))~~
177,613,000

General Fund Appropriation—Federal \$ ~~((91,552,000))~~
94,432,000

General Fund Appropriation—Local \$ ~~((3,366,000))~~
3,753,000

Total Appropriation \$ ~~((263,134,000))~~
275,708,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of ~~\$((33,812,000))~~ 35,212,000 of the general fund—state appropriation and ~~\$((16,057,000))~~ 17,127,000 of the general fund—federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. ~~((The secretary shall negotiate contracts with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.))~~ The secretary shall negotiate contracts only with regional support networks that received recognition under chapter 205, Laws of 1989 as of January 1, 1990. Funding for the north sound and north central networks shall commence no sooner than January 1, 1991. Networks funded after January 1990 shall be subject to the same contracting process as networks funded in January 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

(iv) The department's contracts with regional support networks shall include a provision for the transfer or diversion of mentally ill individuals from nursing homes when those individuals are not in need of a nursing home level of care. No individual shall be transferred without his or her consent or the consent of his or her guardian. Networks shall develop outreach and orientation protocols to encourage mentally ill individuals who might otherwise reside in nursing homes to reside in appropriate community settings supported by the network. The networks shall report the number of individuals diverted or transferred from nursing homes to network placements. The department shall report the same information for nonnetwork areas. The department shall make summary reports to the fiscal committees of the legislature on a quarterly basis.

(b) \$2,000,000 of the general fund—state appropriation is provided solely for a mental health housing reserve. The secretary of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast adjusted to eliminate the bed contract assumption. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services, and are designed to reduce involuntary treatment.

(c) \$5,500,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund—state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989. Authority to expend funds for the client information system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(e) \$600,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for increasing local hospital outlier payments.

(f) \$1,400,000 of the general fund—state appropriation and \$500,000 of the general fund—federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund—state appropriation and \$1,322,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(h) \$165,000 of the general fund—state appropriation is provided solely for a pilot project on the delivery of children's mental health services. The amount provided in this subsection is contingent on receipt by the department of \$393,000 from private sources.

(i) \$1,500,000 of the general fund—state appropriation and \$720,000 of the general fund—federal appropriation are provided solely for the enhancement of children's mental health services. The department shall contract with networks and counties through separate performance-based contracts. Contracts shall include a provision expanding services for underserved or difficult-to-service children, including minorities. Applications from counties and networks shall include endorsements from affected school districts, child welfare agencies, juvenile court systems, and tribes. Of these amounts, \$200,000 is provided solely for the development of a state-wide action plan for children's mental health. The plan shall include strategies to reduce duplicate case management. It shall recommend changes, if necessary, to mental health statutes and other statutes to accommodate children's special needs and circumstances. It shall include proposals to increase access and availability of culturally relevant mental health services for minority children. It shall propose a protocol for client referrals from educational and social service agencies and a cross-system collaborative process for ranking those referrals. In developing the plan, the department shall involve representatives of the education, juvenile justice, child welfare, and mental health systems. The department shall present the plan by December 1, 1990, to the appropriate program and fiscal committees of the house of representatives and the senate.

(j) \$500,000 of the general fund—state appropriation is provided solely for a comprehensive community-based pilot program for the prevention of community violence:

(i) The pilot program shall be established through a competitive selection process and shall provide for coordination between local law enforcement agencies and courts, local government, domestic violence and victims' support programs, regional support networks, public health agencies, health care providers, schools, and relevant programs within state agencies. The program shall designate a lead agency and develop written interagency agreements to provide a coordinated continuum of services. The pilot program shall make every effort to preserve existing violence intervention programs and coordinate available funding for services related to community violence prevention and services to victims of violence.

(ii) The pilot program shall provide at least the following services: Services to family members who are victims of violence; services to victims of violent crime; case management services; specialized intervention programs for treatment of perpetrators of violence; parenting

and caregiver training to families experiencing or at-risk of experiencing violence; and public education regarding community violence.

(iii) Twenty-five percent of the funding for the pilot program shall be provided in-kind or in cash by public or private entities in the community administering the pilot program.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((205,687,000)) 208,720,000 |
| General Fund Appropriation—Federal | \$ | ((10,809,000)) 10,877,000 |
| Total Appropriation | \$ | ((216,496,000)) 219,597,000 |

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund—state appropriation and \$560,000 of the general fund—federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses who agree to serve at the state hospitals or who agree to serve community mental health providers in underserved areas.

(g) \$960,000 of the general fund—state appropriation is provided solely for the costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(h) \$654,000 is provided solely for providing treatment to civilly committed sexual predators pursuant to chapter 3, Laws of 1990.

(3) PROGRAM SUPPORT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 3,347,000 |
| General Fund Appropriation—Federal | \$ | 1,379,000 |
| Total Appropriation | \$ | 4,726,000 |

(4) SPECIAL PROJECTS

| | | |
|--|----|---------------------------------------|
| General Fund Appropriation—State | \$ | ((1,258,000)) 1,558,000 |
| General Fund Appropriation—Federal | \$ | 2,966,000 |
| Total Appropriation | \$ | ((4,224,000)) 4,524,000 |

The appropriation in this subsection is subject to the following conditions and limitations: ~~\$((600,000))~~ 900,000 of the general fund—state appropriation is provided solely to expand the primary intervention program to ~~((ten))~~ fifteen additional school districts beginning in 1989-90.

Sec. 207. Section 206, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((104,169,000)) 117,868,000 |
| General Fund Appropriation—Federal | \$ | ((65,326,000)) 99,210,000 |
| Total Appropriation | \$ | ((169,495,000)) 217,078,000 |

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$992,000 of the general fund—state appropriation and \$669,000 of the general fund—federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes and MORE organizations. The department may transfer up to \$238,000 of the general fund—state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund—state appropriation and \$477,000 of the general fund—federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$2,785,000 of the general fund—state appropriation and \$1,413,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(e) \$1,391,000 of the general fund—state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, as recommended by the governor's task force on community protection.

(f) \$300,000 of the general fund—state appropriation is provided solely for contracting with a not-for-profit organization for the purpose of promoting supported employment services for the developmentally disabled. Any agreement for the use of a portion of this appropriation shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the not-for-profit organization at the end of the biennium to ensure that the organization has secured the required matching funds.

(g) \$8,121,000 of the general fund—state appropriation and \$5,414,000 of the general fund—federal appropriation are provided solely for salary and benefit increases effective May 1, 1990, for employees of community-contracted facilities serving the developmentally disabled.

(h) In making residential placement of clients with developmental disabilities previously residing in residential habilitation centers, the state may provide such services directly after: Efforts have been made to provide private support and services to the client; private residential providers from the region chosen by the client or parent or guardian have been contacted about providing services to the client; and the parent or guardian requests placement in a state-operated facility.

(i) The department shall immediately request that the county with the largest population within each of the department's six administrative regions prepare and annually update, through a cooperative effort with the local developmental disability boards and the regional department administration, a directory of all services available within the region for the developmentally disabled. \$151,000 of the general fund—state appropriation is provided solely for allocation to the counties for preparation of the directory.

(ii) Prior to placing a client in a community residential program, the department shall interview the client and the client's parent or guardian about the placement, including, if necessary, mailing a certified letter to the last known address of the parent or guardian.

(iii) A client who has been moved from a state residential habilitation center to a private community residential program or a private facility for the mentally retarded shall not thereafter be placed in a state-operated community residential program, unless no private facility in the region is able and willing to serve the client, as determined by the department.

(iv) After December 31, 1990, the number of clients served in state-operated community residential programs, other than regional habilitation centers, shall not exceed the number of clients who are subject to the federal and state plans in effect on March 30, 1990, for residential habilitation center reduction and who by December 31, 1990, choose to be so served.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((164,849,000)) 105,025,000 |
| General Fund Appropriation—Federal | \$ | ((117,487,000)) 127,731,000 |
| Total Appropriation | \$ | ((222,336,000)) 232,756,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,000,000 of the general fund—state appropriation and \$675,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund—state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 3,879,000 |
| General Fund Appropriation—Federal | \$ | 626,000 |
| Total Appropriation | \$ | 4,505,000 |

Sec. 208. Section 207, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

| | | |
|------------------------------------|----|----------------------------|
| General Fund Appropriation—State | \$ | ((445,753,000)) |
| | | 460,847,000 |
| General Fund Appropriation—Federal | \$ | ((499,185,000)) |
| | | 519,795,000 |
| General Fund Appropriation—Local | \$ | 296,000 |
| Total Appropriation | \$ | ((945,234,000)) |
| | | 980,938,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$3,200,000 of the general fund—state appropriation is provided solely to enhance respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$2,100,000 of the general fund—state appropriation and \$700,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund—state appropriation and \$2,464,000 of the general fund—federal appropriation are provided solely for expansion of the community options entry program.

(8) \$700,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund—state appropriation and \$813,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund—state appropriation and \$1,590,000 of the general fund—federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) ~~\$(3,686,000))~~ 5,957,000, of which ~~\$(+596,000))~~ 2,638,000 is from the general fund—state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at ~~\$(+600))~~ 1,258 per month per at-home spouse.

(13) \$50,000 of the general fund—state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general.

(14) It is the intent of the legislature that mentally ill persons who are determined by the department not to be in need of a nursing home level of care shall be referred where possible to the regional support networks or, where no network exists, to the mental health division for appropriate residential services. The department shall adopt procedures for these referrals.

Sec. 209. Section 208, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

| | | |
|--|----|----------------------------|
| General Fund Appropriation—State | \$ | ((374,337,000)) |
| | | 422,021,000 |
| General Fund Appropriation—Federal | \$ | ((406,084,000)) |
| | | 561,882,000 |
| Total Appropriation | \$ | ((780,421,000)) |
| | | 983,903,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,661,000 of the general fund—state appropriation and \$10,026,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) \$7,938,000 of the general fund—state appropriation and \$9,210,000 of the general fund—federal appropriation are provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(3) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to ~~\$((200,000,000))~~ 230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

| | | | | | | | | |
|--------------|-------------------|---------------|---------------|---------------|---------------|---------------|----------------|------------------|
| Family size: | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 or more |
| Exemption: | \$((36 | 47 | 56 | 67 | 77 | 87 | 101 | 111)) |
| | 55 | 71 | 86 | 102 | 117 | 133 | 154 | 170 |

(4) \$946,000 of the general fund—state appropriation and \$241,000 of the general fund—federal appropriation are provided solely for the shelter component of grants for homeless families or persons who lack a fixed, regular, and adequate nighttime residence, or who reside in a public or privately operated shelter that is designed to provide temporary living accommodations, or who are provided temporary lodging through a public or privately funded emergency shelter program. This amount is intended to be applied to members of these groups whose grants could otherwise be established using a separate standard for shelter provided at no cost pursuant to RCW 74.04.770.

(5) \$250,000 of the general fund—state appropriation and \$117,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

~~((5))~~ (6) The department shall expand the family independence program by four sites to a total of fifteen sites.

~~((6))~~ (7) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

Sec. 210. Section 209, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—GENERAL ASSISTANCE—UNEMPLOYABLE PROGRAM

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((69,550,000)) |
| | | 76,085,000 |
| General Fund Appropriation—Federal | \$ | ((410,000)) |
| | | 288,000 |
| Total Appropriation | \$ | ((69,960,000)) |
| | | 76,373,000 |

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$1,379,000 of the general fund—state appropriation is provided solely for a two percent standard increase beginning January 1, 1990, for the general assistance—unemployable program.

(2) \$1,517,000 of the general fund—state appropriation is provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the general assistance—unemployable program.

Sec. 211. Section 210, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

| | | |
|---|-----------|---------------------------|
| General Fund Appropriation—State | \$ | 28,872,000 |
| General Fund Appropriation—Federal | \$ | ((17,651,000)) |
| | | 38,941,000 |
| <u>Drug Enforcement and Education Account Appropriation—State</u> | <u>\$</u> | <u>800,000</u> |
| Total Appropriation | \$ | ((46,523,000)) |
| | | 68,613,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,204,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund—state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

(4) \$300,000 of the drug enforcement and education account—state appropriation is provided solely for youth employment programs for drug-involved youth who are or have been under the jurisdiction of the department of social and health services, division of juvenile rehabilitation. Services shall be provided by the corrections clearinghouse and Washington service corps operated by the department of employment security.

(5) \$500,000 of the drug enforcement and education account—state appropriation is provided solely for outreach to chemically dependent pregnant women and for the operation of transitional sobriety housing for recovering chemically dependent pregnant women and their children.

Sec. 212. Section 211, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—ASSESSMENT AND TREATMENT

| | | |
|---|-----------|---------------------------|
| General Fund Appropriation—State | \$ | ((17,116,000)) |
| | | 16,199,000 |
| General Fund Appropriation—Federal | \$ | 9,948,000 |
| <u>Drug Enforcement and Education Account Appropriation—State</u> | <u>\$</u> | <u>1,500,000</u> |
| Total Appropriation | \$ | ((27,064,000)) |
| | | 27,647,000 |

The appropriations in this section ~~((ts))~~ are subject to the following conditions and limitations:

~~(1) ((This))~~ The general fund appropriations ((ts)) are provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) The entire drug enforcement and education account—state appropriation is provided solely for child care for children of parents in outpatient drug and alcohol treatment.

Sec. 213. Section 212, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—SHELTER

| | | |
|----------------------------------|----|---------------------------|
| General Fund Appropriation | \$ | ((10,639,000)) |
| | | 3,423,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005;

(b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and

(c) (i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

Sec. 214. Section 407, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of four million ~~((nine hundred))~~ five hundred sixty-nine thousand dollars from the drug enforcement and education account—state and three hundred thirty-one thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for the purposes of sections 301 through 309 of this act.

Sec. 215. Section 409, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((five))~~ two million ((five)) seven hundred forty-eight thousand dollars from the drug enforcement and education account—state and two million seven hundred fifty-two thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for maternity care support services for alcohol and drug-abusing pregnant women. Support services shall include substance abuse treatment programs specifically designed to serve pregnant women and postpartum women and their infants and children. A continuum of treatment shall be provided, to include one or more of the following components:

(1) Inpatient treatment programs capable of serving pregnant women and postpartum women and infants;

(2) An ambulatory treatment facility serving women and their infants who test positive for the human immunodeficiency virus (HIV) or the acquired immunodeficiency syndrome (AIDS);

(3) Transition housing or safe living space for pregnant and postpartum women and infants;

(4) Outpatient or follow-up treatment which includes a provision for child care.

The department shall maximize federal participation for support services provided under this section to eligible persons under the medical assistance program, Title XIX of the federal social security act.

Sec. 216. Section 414, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((twelve))~~ eleven million two hundred thousand dollars from the drug enforcement and education account—state and one million dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

Sec. 217. Section 419, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((four))~~ one hundred eighty-three thousand dollars from the drug enforcement and education account—state and two hundred seventeen thousand dollars from the general fund—federal, or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

Sec. 218. Section 213, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

| | | |
|--|----|--|
| General Fund Appropriation—State | \$ | ((688,479,000)) 697,558,000 |
| General Fund Appropriation—Federal | \$ | ((666,599,000)) 689,430,000 |
| Total Appropriation | \$ | ((1,355,078,000)) <u>1,386,988,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

(3) The department shall continue variable ratable reductions for the medically indigent and general assistance—unemployable programs in effect November 1, 1988.

(4) \$7,014,000 of the general fund—state appropriation and \$6,928,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(5) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund—state appropriation, and a maximum of \$39,921,000 of the general fund—federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(6) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(7) Beginning July 1, 1990, the department of social and health services shall provide payment for chiropractic services under chapter 74.09 RCW. The department shall restrict payment for chiropractic services to a maximum of ten treatments per recipient in any twelve-month period.

(8) \$1,620,000 of the general fund—state appropriation and \$1,914,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy children up to age six whose household income does not exceed one hundred thirty-three percent of the federal poverty level and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(9) \$4,470,000 of the general fund—state appropriation and \$2,155,000 of the general fund—federal appropriation are provided solely for the expansion of health care services for children up to age eighteen from families with incomes below the federal poverty level. If Engrossed Substitute House Bill No. 2603 is enacted by June 30, 1990, the expansion shall become effective January 1, 1991. If Engrossed Substitute House Bill No. 2603 is not enacted by June 30, 1990, the amounts provided in this subsection shall lapse.

(10) \$6,293,000 of the general fund—state appropriation and \$6,545,000 of the general fund—federal appropriation are provided solely to increase children's access to basic health care through increases in payment rates for medical assistance and children's health services. \$1,371,000 of the general fund—state amount and \$459,000 of the general fund—federal amount in this subsection are provided solely to increase rates for managed care providers. The department shall adjust rates to ensure that no managed care provider is paid less than the state-wide average fee-for-service equivalent. The rate increases provided in this subsection shall become effective September 1, 1990.

(11) The department may, by intra-agency agreement, transfer funding from the appropriations for the medical assistance program to other department programs to provide non-hospital care for infants born with alcohol or drug addiction. Up to \$500,000 of the general fund—state appropriation may be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services, and counseling services. The department may prospectively reimburse foster care providers of infants and children affected by maternal use of or exposure to alcohol, drugs, or AIDS. Where possible, the department shall claim federal match for this less expensive alternative to hospital care. When it is deemed medically necessary for an infant to remain in a hospital setting, the infant shall not be transferred to a nonhospital setting. Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings. The department shall report to the appropriate fiscal and program committees of the house of representatives and the senate on the implementation of this section by November 15, 1990.

Sec. 219. Section 214, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | 60,308,000 |
| General Fund Appropriation—Federal | \$ | 14,468,000 |
| General Fund Appropriation—Local | \$ | ((10,951,000)) |
| | | <u>10,707,000</u> |
| Public Safety and Education Account Appropriation | \$ | 200,000 |
| State Toxics Control Account Appropriation | \$ | 828,000 |
| Total Appropriation | \$ | ((86,755,000)) |
| | | <u>86,511,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,600,000 of the general fund—state appropriation is provided solely for continuation of the state drinking water program.

(2) \$4,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to increase in equal percentages medical and dental services provided through community health clinics. A maximum of \$100,000 of the amount provided in this subsection may be used to contract with new providers. \$900,000 of this amount shall be allocated to contractors who were contractors in fiscal year 1989, prorated according to the percentage of total fiscal year 1989 contract funds received by each contractor.

~~((5))~~ (4) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

~~((6))~~ (5) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

Sec. 220. Section 216, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((55,295,000)) |
| | | 55,898,000 |
| General Fund Appropriation—Federal | \$ | ((36,264,000)) |
| | | 36,980,000 |
| Institutional Impact Account Appropriation | \$ | ((80,000)) |
| | | 230,000 |
| Total Appropriation | \$ | ((91,639,000)) |
| | | <u>93,108,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$666,000 of the general fund—state appropriation is provided solely to enhance the department's accounting system.

(2) \$83,000 of the general fund—state appropriation is provided solely for victims and witness notification pursuant to chapter 3, Laws of 1990.

(3) \$159,000 of the general fund—federal appropriation is provided solely to fund the 1989-91 salary increase in those programs that receive lidded federal block grant allocations. The department may transfer funds provided in this subsection between programs as necessary to accomplish the purpose of this subsection.

(4) \$150,000 of the general fund—state appropriation is provided solely for transfer to the institutional impact account.

(5) \$148,000 of the general fund—state appropriation and \$20,000 of the general fund—federal appropriation are provided solely for parental rights termination case administrative support pursuant to Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 221. Section 217, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

| | | |
|------------------------------------|----|----------------------------|
| General Fund Appropriation—State | \$ | ((165,471,000)) |
| | | 164,539,000 |
| General Fund Appropriation—Federal | \$ | ((188,304,000)) |
| | | 200,973,000 |
| Total Appropriation | \$ | ((353,775,000)) |
| | | <u>365,512,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) ~~\$(669,000)~~ 645,000 of the general fund—state appropriation and ~~\$(1,149,000)~~ 1,284,000 of the general fund—federal appropriation are provided solely for transfer ~~(by July 1, 1989,)~~ by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$137,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund—state appropriation and \$518,000 of the general fund—federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

(8) Authority to expend funds for the automated client eligibility system (ACES) is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess. A maximum of \$250,000 of the general fund—state appropriation may be expended on ACES.

Sec. 222. Section 218, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

| | | |
|--|----|--------------------------|
| General Fund Appropriation—State | \$ | (39,600,000) |
| | | 39,091,000 |
| General Fund Appropriation—Federal | \$ | (70,728,000) |
| | | 70,291,000 |
| General Fund Appropriation—Local | \$ | 949,000 |
| Total Appropriation | \$ | (111,277,000) |
| | | 110,331,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute House Bill No. 1547 (medical support enforcement). ~~((if the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.))~~

(2) \$3,419,000 of the general fund—state appropriation and \$6,786,000 of the general fund—federal appropriation are provided solely to implement the requirements of the family support act.

(3) \$1,800,000 of the general fund—state appropriation, \$4,940,000 of the general fund—federal appropriation, and \$706,000 of the general fund—local appropriation are provided solely to implement recommendations made to the office of support enforcement by the efficiency commission. Authority to expend \$1,115,000 of the general fund—state appropriation, \$3,059,000 of the general fund—federal appropriation, and \$438,000 of the general fund—local appropriation for information projects named in this subsection is conditioned on compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following name or successor names: Office of support enforcement case tracking and collection.

(4) \$1,429,000 of the general fund—state appropriation, \$828,000 of the general fund—federal appropriation, and \$43,000 of the general fund—local appropriation are provided solely for information systems projects named in this subsection for which work will commence

or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Office of financial recovery accounts receivable management system.

(5) \$207,000 of the general fund—state appropriation and \$403,000 of the general fund—federal appropriation are provided solely for the implementation of the employer reporting amendments to RCW 26.23.040 contained in House Bill No. 1635 (support enforcement). If these amendments are not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

Sec. 223. Section 219, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

| | | |
|------------------------------------|----|---|
| General Fund Appropriation—State | \$ | ((38,187,000)) 38,796,000 |
| General Fund Appropriation—Federal | \$ | ((17,041,000)) 17,192,000 |
| Total Appropriation | \$ | ((55,228,000)) 55,988,000 |

The appropriations in this section are subject to the following conditions and limitations: \$507,000 of the general fund—state appropriation and \$69,000 of the general fund—federal appropriation are provided solely for attorney services on termination casework consistent with policy established in sections 31 through 33 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 224. Section 220, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

| | | |
|--|----|---------------------------------------|
| State Employees Insurance Administrative Account Appropriation | \$ | ((6,203,000)) 7,068,000 |
|--|----|---------------------------------------|

Sec. 225. Section 221, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

| | | |
|---|----|---|
| General Fund Appropriation—State | \$ | ((58,467,000)) 84,912,000 |
| General Fund Appropriation—Federal | \$ | ((124,725,000)) 132,144,000 |
| General Fund Appropriation—Private/Local | \$ | 269,000 |
| Building Code Council Account Appropriation | \$ | 809,000 |
| Public Works Assistance Account Appropriation | \$ | 933,000 |
| Fire Service Training Account Appropriation | \$ | 750,000 |
| State Toxics Control Account Appropriation | \$ | 519,000 |
| Low Income Weatherization Account Appropriation | \$ | ((8,007,000)) 13,000,000 |
| Washington Housing Trust Fund Appropriation | \$ | ((3,500,000)) 13,500,000 |
| Total Appropriation | \$ | ((197,999,000)) 246,836,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) ~~S((3,500,000))~~ 8,500,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) ~~((A maximum of))~~ Of this amount, an initial allocation not greater than \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games. ~~((100))~~ The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall

provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The initial plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990. Refinements to the security plan for the goodwill games may continue through July 15, 1990.

~~((c))~~ (b) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full for the entire budget requirement from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) No more than ~~S((200,000))~~ 150,000 of the amount provided in this subsection may be expended for administration of the plan.

~~(iii) ((The remainder of the amount provided in this subsection shall be allocated to local governments.~~

~~(iv) Only direct personnel costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement.~~

~~(v))~~ No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(c) The remainder of the funds provided shall be allocated to local governments and other state entities on the basis of a recommendation from the Seattle goodwill games organizing committee. No portion of these funds may be provided for reimbursement until the Seattle organizing committee has provided the department with a written recommendation for distribution of the state appropriation. Local revenues lost and expenses for reducing normal workloads as a result of the goodwill games shall not be eligible for reimbursement from the general fund—state appropriation.

(d) Within, and not in addition to, the amount that otherwise would be allocated to the city of Tacoma for security purposes, \$25,000 shall be provided solely to the Washington state historical society for security costs incurred as a result of the goodwill games and related activities.

(e) The department shall present a final report to the house of representatives appropriations committee and the senate ways and means committee by June 1, 1990, detailing the amounts each jurisdiction will receive for security costs.

(f) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(4) \$3,000,000 of the general fund—state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) ~~S((13,900,000))~~ 16,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

~~((H))~~ (9) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

~~((H))~~ (10) \$200,000 of the general fund—state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

~~((H))~~ (11) \$75,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through

43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

~~((+4))~~ (12) \$200,000 of the general fund—state appropriation is provided solely for a pilot rural revitalization program.

~~((+5)-\$150,000)~~ (13) \$200,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project. \$50,000 of this amount is a one-time contribution to the project.

~~((+6)-\$200,000)~~ (14) \$375,000 of the general fund—state appropriation is provided solely to enhance the long-term care ombudsman program. Of this amount: (a) \$75,000 is provided solely to ensure adequate legal assistance to both residents of long-term care facilities and staff of the program; and (b) \$100,000 is provided solely to establish at least two additional service sites.

(15) \$100,000 of the general fund—state appropriation is provided solely as state support for the Washington state games. The amount provided in this subsection is contingent on the receipt of an equal amount from private sources.

(16) \$168,000 of the general fund—state appropriation is provided solely for equipment costs for the department's emergency operations center. The department shall develop and implement a plan to provide twenty-four hour-a-day access to the emergency operations center for local governments and other emergency management entities.

(17) \$10,000 of the general fund—state appropriation is provided solely for a grant to the Seattle children's museum to provide multicultural outreach programs to at-risk children in regional afterschool programs.

(18) \$260,000 of the general fund—state appropriation is provided to establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse pursuant to section 1403, chapter 3, Laws of 1990.

(19) \$2,813,000 of the general fund—state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to chapter 3, Laws of 1990, and for the crime victims advocacy office as recommended by the governor's task force on community protection. Of this amount: (a) Not more than \$53,000 shall be used for administration of the grant program; (b) \$260,000 is provided solely for the crime victims advocacy office; and (c) not more than \$53,000 may be expended for administration of the grant program.

(20) \$7,339,000 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$1,800,000 to local units of government to continue existing local drug task forces.

(b) \$2,609,000 to local units of government to expand local drug task forces.

(c) \$730,000 to the department of community development to expand the state-wide drug prosecution assistance program.

(d) \$370,000 to the department of social and health services, division of juvenile rehabilitation, for matching grants to local governments, communities, schools, and the private sector to help prevent young people from joining gangs. Any agreement for the use of a portion of these moneys shall require that an amount equal to at least forty percent of that portion, including in-kind contributions, be contributed from nonstate sources for the same purpose. No single agency may receive more than one grant during the biennium, and no grant may exceed \$100,000 in value, including the value of nonstate matching amounts.

(e) \$165,000 to the department of community development to provide resources for the design, coordination, and implementation of programs that will reduce drug and gang activities in low-income housing complexes. These programs shall be provided through local contractors, which may include low-income housing organizations and housing authorities.

(f) \$535,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of expanding existing domestic violence advocacy programs, to provide legal and other assistance to victims and witnesses in court proceedings, and to establish new domestic violence advocacy programs.

(g) \$500,000 to the Washington state patrol for support of new drug law enforcement task forces in Yakima and Lewis counties.

(h) \$150,000 to the Washington state patrol for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine lab with the department of ecology to ensure maximum effectiveness of the program.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$150,000 to the criminal justice training commission for narcotics enforcement training.

(k) \$180,000 to the department of community development for general administration of grants.

The department, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989 as state policy for purposes of establishing spending priorities for federal antidrug funds.

(21) \$216,000 of the general fund—state appropriation is provided solely for juvenile court and detention costs resulting from Second Substitute Senate Bill No. 6610 (at-risk youth). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$200,000, of which \$120,000 is from the general fund—state appropriation and \$80,000 is from the general fund—federal appropriation, is provided solely for the department to develop a seismic safety program to assess and make recommendations regarding the state's earthquake preparedness. The department shall create a seismic safety advisory board to develop a comprehensive plan and make recommendations to the legislature for improving the state's earthquake preparedness. The plan shall include an assessment of and recommendations on the adequacy of communications systems, structural integrity of public buildings, including hospitals and public schools, local government emergency response systems, and prioritization of measures to improve the state's earthquake readiness. The department shall report to the senate and house of representatives committees on energy and utilities by December 1, 1991. An interim report shall be made to the committees by December 1, 1990.

(23) \$75,000 of the general fund—state appropriation is provided solely for planning new permanent displays of natural and cultural history and shall be transferred to the Thomas Burke Memorial Washington State Museum.

(24) \$9,200,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$7,400,000 is provided solely for grants to counties and cities; (b) \$1,000,000 is provided solely for the department to provide technical assistance and mediation assistance to local governments for the development and implementation of comprehensive plans; (c) \$550,000 is provided for grants to rural communities; and (d) \$250,000 is provided solely for the inventory and collection of data on public and private land use. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$90,000 of the general fund—state appropriation is provided solely to implement the children's ombudsman program.

(26) \$70,000 of the general fund—state appropriation is provided solely for the center for voluntary action to develop a strategic plan to foster citizen service in the state. The plan shall examine ways to utilize senior citizens in citizen service; coordinate the activities between community organizations, schools, higher education institutions, business, and government service programs; and make recommendations on programs to link volunteers to service opportunities among these organizations. This is intended as a one-time appropriation.

(27) None of the \$10,000,000 housing trust fund appropriation provided by this 1990 act may be used for administrative expenses.

(28) \$2,000,000 of the housing trust fund appropriation is provided solely for housing assistance projects that benefit families with children, and \$200,000 of the housing trust fund appropriation is provided solely to implement a homelessness prevention pilot program. These amounts shall not be subject to all of the criteria for evaluation under RCW 43.185.070.

(29) \$10,000 of the general fund—state appropriation is provided solely for an international symposium to promote physical fitness.

Sec. 226. Section 224, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

| | | |
|---|----|------------------------|
| Death Investigations Account Appropriation | \$ | 35,000 |
| Public Safety and Education Account Appropriation | \$ | (8,643,000) |
| | | 9,738,000 |
| Total Appropriation | \$ | (8,678,000) |
| | | 9,773,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,000 of the public safety and education account appropriation is provided solely for computer programming costs for the Washington association of sheriffs and police chiefs to implement Engrossed House Bill No. 2237 (racial bias and bigotry). If the bill is not enacted by June 30, 1990, this amount shall lapse.

(2) \$160,000 of the public safety and education account appropriation is provided solely for funding additional drug abuse resistance education (D.A.R.E.) instructors to assist in preventing drug abuse.

Sec. 227. Section 225, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

| | | |
|---|----|--------------------------|
| General Fund Appropriation | \$ | 9,277,000 |
| Public Safety and Education Account Appropriation—State | \$ | (18,334,000) |
| | | 19,764,000 |
| Public Safety and Education Account Appropriation—Federal | \$ | 2,000,000 |
| Accident Fund Appropriation | \$ | (100,104,000) |
| | | 101,422,000 |
| Electrical License Fund Appropriation | \$ | (11,882,000) |
| | | 12,408,000 |

| | | |
|---|----|----------------------------|
| Farm Labor Revolving Account Appropriation | \$ | 30,000 |
| Medical Aid Fund Appropriation | \$ | ((119,330,000)) |
| | | 120,161,000 |
| Asbestos Account Appropriation | \$ | 1,314,000 |
| Plumbing Certificate Fund Appropriation | \$ | 696,000 |
| Pressure Systems Safety Fund Appropriation | \$ | 1,476,000 |
| Worker and Community Right-to-Know Fund Appropriation | \$ | 2,406,000 |
| Total Appropriation | \$ | ((266,849,000)) |
| | | 270,954,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,596,793 from the accident fund appropriation and \$12,953,328 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

~~((2))~~ (2) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter 380, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

~~(3)~~ (3) \$1,430,000 of the public safety and education account—state appropriation is provided solely for the crime victims' compensation fund, pursuant to chapter 3, Laws of 1990.

~~(4)~~ (4) \$78,000 from the accident fund appropriation and \$78,000 from the medical aid fund appropriation are provided solely to reimburse the legal services revolving fund for increased salary costs of existing attorney general staff.

~~(5)~~ (5) \$650,000 from the accident fund appropriation and \$650,000 from the medical fund appropriation are provided solely for a health evaluation program within the department to monitor new trends in worker illnesses and injuries.

~~(6)~~ (6) \$132,000 from the accident fund appropriation and \$23,000 from the medical fund appropriation are provided solely for the Worksafe 90 program, to reduce workplace accidents and illnesses.

Sec. 228. Section 227, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | 20,229,000 |
| General Fund Appropriation—Federal | \$ | ((5,726,000)) |
| | | 5,988,000 |
| General Fund Appropriation—Local | \$ | 7,802,000 |
| Total Appropriation | \$ | ((33,757,000)) |
| | | 34,019,000 |

The appropriations in this section are subject to the following conditions and limitations:

~~\$192,000 of the general fund—state appropriation is provided solely for services to treat post-traumatic stress disorder. Of this amount, \$20,000 is provided solely to maximize services to rural and minority veterans.~~

Sec. 229. Section 228, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

| | | |
|----------------------------------|----|---------------------------|
| General Fund Appropriation | \$ | ((74,867,000)) |
| | | 75,022,000 |

The appropriation in this subsection is subject to the following conditions and limitations:

~~(a)~~ (a) To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

~~(b)~~ (b) \$327,000 of the general fund appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, as recommended by the governor's task force on community protection.

(2) INSTITUTIONAL SERVICES

| | | |
|----------------------------------|----|----------------------------|
| General Fund Appropriation | \$ | ((300,806,000)) |
| | | 313,100,000 |

The appropriation in this subsection is subject to the following conditions and limitations:

~~(a)~~ (a) \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

~~(b)~~ (b) \$172,000 of the general fund appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to chapter 3, Laws of 1990.

(c) \$678,000 of the general fund appropriation is provided solely for custody and security of civilly committed sexual predators pursuant to chapter 3, Laws of 1990. The sexual predator civil commitment program shall be located at the Twin Rivers corrections center.

(d) \$1,107,000 of the general fund appropriation is provided solely to increase the number of sex offenders receiving treatment in the state correctional system, as recommended by the governor's task force on community protection. Specifically, during the 1989-91 biennium, the department shall expand the existing residential component of the sex offender treatment program from one hundred to two hundred beds, and the day treatment component from seventy to one hundred seventy beds.

(3) ADMINISTRATION AND PROGRAM SUPPORT

| | | |
|--|----|-------------------------|
| General Fund Appropriation | \$ | (22,531,000) |
| | | 24,081,000 |
| Institutional Impact Account Appropriation | \$ | 332,000 |
| Total Appropriation | \$ | (22,663,000) |
| | | 24,413,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$49,000 of the general fund appropriation is provided to develop computer link-ups with the Washington state patrol to permit access to information on offenders, as recommended by the governor's task force on community protection.

(b) \$500,000 of the general fund appropriation is provided for prison impact funding. \$300,000 of this amount is provided for the impact of inmate-family households on local criminal justice and social service resources for the cities of Walla Walla and College Place and the county of Walla Walla. \$100,000 is provided for the impact on local criminal justice resources for the city of Monroe. The remaining funds shall be distributed for prison impacts on local criminal justice services as determined by the department.

(4) INSTITUTIONAL INDUSTRIES

| | | |
|---|----|-----------|
| General Fund Appropriation | \$ | 2,622,000 |
| Sec. 230. Section 231, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows: | | |

FOR THE WASHINGTON BASIC HEALTH PLAN

| | | |
|----------------------------------|----|-------------------------|
| General Fund Appropriation | \$ | (27,215,000) |
| | | 17,991,000 |

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to 25,000 individuals during the 1989-91 biennium.

Sec. 231. Section 233, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

| | | |
|--|----|--------------------------|
| General Fund Appropriation—State | \$ | 129,000 |
| General Fund Appropriation—Federal | \$ | (+62,366,000) |
| | | 159,308,000 |
| General Fund Appropriation—Local | \$ | 12,489,000 |
| Administrative Contingency Fund | | |
| Appropriation—Federal | \$ | (8,953,000) |
| | | 11,965,000 |

| | | |
|--|----|--------------------------|
| Unemployment Compensation Administration Fund Appropria- tion—Federal | \$ | 118,169,000 |
| Employment Service Administration Account Appropriation—Fed- eral | \$ | 790,000 |
| Employment Service Administration Account Appropriation—State | \$ | 6,823,000 |
| Federal Interest Payment Fund Appropriation | \$ | 2,100,000 |
| Total Appropriation | \$ | (311,761,000) |
| | | 311,773,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$152,000 of the administrative contingency fund—federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

(3) \$228,000 of the administrative contingency fund—federal appropriation is provided solely to implement Substitute House Bill No. 2426 (unemployment insurance overpayments). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$200,000 of the administrative contingency fund—federal appropriation is provided solely for services to agricultural employers.

(5) \$109,000 of the administrative contingency fund—federal appropriation is provided solely for resource centers for the handicapped.

(6) \$370,000 of the administrative contingency fund—federal appropriation is provided solely for a pilot program integrating drug prevention and job training.

(7) \$160,000 of the administrative contingency fund—federal appropriation is provided solely for a pilot program to retrain rural dislocated timber and wood product workers.

(8) Authority to expend funds for the general unemployment insurance development effort (GUIDE) system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF HEALTH

| | | |
|---|----|------------|
| General Fund Appropriation | \$ | 9,367,000 |
| Health Professions Account Appropriation | \$ | 1,541,000 |
| State Toxics Control Account Appropriation | \$ | 1,048,000 |
| Medical Test Site Licensure Account Appropriation | \$ | 244,000 |
| Total Appropriation | \$ | 12,200,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the general fund appropriation is provided solely to implement the health professional temporary substitute resource pool as required by Second Substitute Senate Bill No. 6418 (rural health care). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(2) \$109,000 of the health professions account appropriation is provided to develop a program to certify sex offender treatment providers pursuant to chapter 3, Laws of 1990.

(3) \$2,576,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6191 (emergency medical services and trauma care system). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$120,000 of the general fund appropriation is provided solely to fund the cancer reporting network pursuant to Second Substitute House Bill No. 2077 (state-wide tumor registry). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) \$48,000 of the general fund appropriation is provided solely for food transport regulations pursuant to Substitute Senate Bill No. 6164 (food transport regulations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$205,000 of the general fund appropriation is provided solely for a chief of health statistics, chief of consumer assistance, and a chief of epidemiology.

(7) \$113,000 of the state toxics control account appropriation is provided solely to implement the provisions of Substitute House Bill No. 2906 (contaminated property). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund appropriation is provided for the costs of the commission on health care cost control and access pursuant to House Concurrent Resolution No. 4443.

NEW SECTION. Sec. 233. Section 236, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is repealed. Any moneys remaining in the 1991 human resources reserve account on the effective date of this act shall be transferred to the general fund.

NEW SECTION. Sec. 234. HOUSING TRUST FUND

| | | |
|----------------------------------|----|------------|
| General Fund Appropriation | \$ | 10,000,000 |
|----------------------------------|----|------------|

The appropriation in this section is subject to the following conditions and limitations: The treasurer shall deposit the appropriation in the housing trust fund.

PART III

NATURAL RESOURCES

Sec. 301. Section 301, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

| | | |
|--|----|-------------------------|
| General Fund Appropriation—State | \$ | (2,006,000) |
| | | 2,286,000 |
| General Fund Appropriation—Federal | \$ | (10,832,000) |
| | | 12,366,000 |
| General Fund Appropriation—Private/Local | \$ | 260,000 |
| Geothermal Account Appropriation—Federal | \$ | 22,000 |
| Building Code Council Account Appropriation | \$ | (40,000) |
| | | 105,000 |
| Solid Waste Management Account Appropriation | \$ | 150,000 |
| Energy Code Training Account Appropriation | \$ | 30,000 |
| Total Appropriation | \$ | (13,390,000) |
| | | 15,219,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. (If the bill is not

enacted by June 30, 1989, the solid waste management account appropriation is null and void.))

(2) \$(~~153,000~~) 353,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). (~~If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~)

Sec. 302, Section 304, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

| | | |
|--|----|----------------------------|
| General Fund Appropriation—State | \$ | (59,767,000) |
| | | 61,296,000 |
| General Fund Appropriation—Federal | \$ | 27,024,000 |
| General Fund Appropriation—Private/Local | \$ | 432,000 |
| Flood Control Assistance Account Appropriation | \$ | 3,852,000 |
| Special Grass Seed Burning Research Account Appropriation | \$ | ((41,000)) |
| | | 81,000 |
| Reclamation Revolving Account Appropriation | \$ | 474,000 |
| Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. | \$ | 389,000 |
| Litter Control Account Appropriation | \$ | ((6,755,000)) |
| | | 6,830,000 |
| State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26) | \$ | 2,627,000 |
| State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) | \$ | ((1,187,000)) |
| | | 1,286,000 |
| State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38) | \$ | 1,586,000 |
| Stream Gaging Basic Data Fund Appropriation | \$ | ((142,000)) |
| | | 300,000 |
| Vehicle Tire Recycling Account Appropriation | \$ | 6,494,000 |
| Water Quality Account Appropriation | \$ | ((2,551,000)) |
| | | 3,161,000 |
| Wood Stove Education Account Appropriation | \$ | ((232,000)) |
| | | 482,000 |
| Worker and Community Right-to-Know Fund Appropriation | \$ | 285,000 |
| State Toxics Control Account | \$ | ((26,173,000)) |
| | | 39,202,000 |
| Local Toxics Control Account | \$ | ((23,047,000)) |
| | | 41,328,000 |
| Water Quality Permit Account Appropriation | \$ | 7,135,000 |
| Solid Waste Management Account Appropriation | \$ | 5,600,000 |
| Underground Storage Tank Account Appropriation | \$ | 3,658,000 |
| Hazardous Waste Assistance Account Appropriation | \$ | 2,317,000 |
| Total Appropriation | \$ | ((100,251,000)) |
| | | 215,839,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) (~~A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~) In administering the auto emissions inspection and maintenance program, the department shall annually ensure compliance with the intent of RCW 70.120.170(4)(a). The department may expend not more than an amount equal to the amount collected from auto emissions inspections fees during the biennium ending June 30, 1991.

(5) (~~The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute House Bill No. 1086.~~) In implementing chapter 90.76 RCW, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting

installation, closure, testing, and monitoring requirements. In consultation with the Washington pollution insurance program administrator, the department shall implement interim enforcement procedures for chapter 90.76 RCW by December 1, 1990. The interim enforcement procedures shall be consistent with the intent of both chapters 90.76 and 70.148 RCW, and shall be designed to encourage participation in the insurance program.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), and (9) ~~(and (10))~~ are null and void.

~~((1))~~ (7) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

~~((2))~~ (8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

~~((3))~~ (9) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter 431, Laws of 1989 (Engrossed Substitute House Bill No. 1671).

~~((4))~~ (10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

~~((5))~~ (11) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

~~((6))~~ (12) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

~~((7))~~ (13) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter 171, Laws of 1989 (Substitute Senate Bill No. 5196).

~~((8))~~ (14) \$427,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

~~((9))~~ (15) \$250,000 of the general fund—state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

~~((10))~~ (16) \$70,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~(If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.)~~

~~((11))~~ (17) \$200,000 of the general fund—state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

(18) A maximum of \$750,000 of the state toxics control account appropriation may be spent for the cleanup of illegal drug labs.

(19) A portion of the state toxics control account appropriation is provided to complete the state hazardous waste planning effort as prescribed in chapter 70.105 RCW. This includes, but is not limited to, evaluation of existing standards, compliance and service, and evaluation of whether facilities are needed.

(20) \$1,200,000 of the general fund—state appropriation is provided solely for the wetlands protection program. Of this amount: (a) \$600,000 is provided solely for grants to local jurisdictions to develop local wetlands protection and management programs on a fifty percent cost-share basis; and (b) \$600,000 is provided solely for the department to develop a wetlands inventory, establish a data management system, and provide technical assistance to local governments in developing wetlands protection programs. The amount provided in (b) of this subsection is contingent on the enactment of Substitute Senate Bill No. 6799 (wetlands preservation). If the bill or substantially similar legislation is not enacted by June 30, 1990, \$600,000 of this amount shall lapse.

(21) The entire hazardous waste assistance account appropriation is provided solely to implement chapter 114, Laws of 1990 (Engrossed House Bill No. 2390, hazardous substances regulations).

(22) \$300,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2932 (water resource management). If the bill is not enacted by June 30, 1990, the hazardous waste assistance account appropriation shall lapse.

(23) \$7,000,000 of the state toxics control account appropriation is provided solely for the following three purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the costs of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

Of the amount provided in this subsection, \$1,500,000 is provided solely for the cleanup of hazardous waste sites resulting from leaking underground storage tanks.

(24) \$200,000 of the water quality account appropriation is provided solely for implementation of Substitute Senate Bill No. 6326 (Puget Sound water quality/shellfish production).

(25) The department's June 1991 FTE staff level shall not exceed the June 1990 staff level by more than 154 FTEs. The money identified as savings from underexpenditures as a result of this subsection shall remain unexpended and shall not be spent for other purposes. If funding is provided for the implementation of a wetlands preservation bill under subsection (20) of this section, the department's June 1991 FTE level may be increased by an additional 7.5 FTEs.

(26) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing chapter 128, Laws of 1990 (Substitute Senate Bill No. 6698, wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases where an activated air authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480.

(27) \$996,000 of the state toxics control account appropriation is provided solely for the implementation of chapter 116, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 2494, oil/hazardous substance spills).

(28) \$268,000 of the state toxics control account appropriation is provided solely to identify and study water quality and public health concerns of the lower Columbia river, from its mouth to Bonneville Dam. Expenditure of this amount is contingent on the signing of an agreement by the department of ecology and the Oregon department of environmental quality. The agreement shall include, at a minimum, the following:

(a) A steering committee consisting of one representative from each state of at least the following: Local government, public ports, industry, environmental groups, Indian tribes, citizens-at-large, and commercial or recreational fishing interests. The steering committee shall also include one representative from the federal environmental protection agency;

(b) A process to incorporate public participation;

(c) A provision to report to the appropriate legislative standing committees on the status of the study on or before December 15 of each year; and

(d) A provision to make recommendations, by December 15, 1990, regarding the creation of an interstate policy body to develop and implement a plan to address water quality, public health, and habitat concerns of the lower Columbia river.

(29) \$29,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 303. Section 306, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | (41,132,000) |
| | | 41,332,000 |
| General Fund Appropriation—Federal | \$ | 1,208,000 |
| General Fund Appropriation—Private/Local | \$ | 822,000 |
| Trust Land Purchase Account Appropriation | \$ | ((10,542,000)) |
| | | 11,082,000 |
| Winter Recreation Parking Account Appropriation | \$ | 348,000 |
| ORV (Off-Road Vehicle) Account Appropriation | \$ | 173,000 |
| Snowmobile Account Appropriation | \$ | ((963,000)) |
| | | 1,143,000 |
| Public Safety and Education Account Appropriation | \$ | 10,000 |
| Motor Vehicle Fund Appropriation | \$ | 1,100,000 |
| Total Appropriation | \$ | ((56,298,000)) |
| | | 57,218,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating). ~~((if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$200,000 of the general fund—state appropriation is provided solely to meet the state parks and recreation commission responsibilities under the Suquamish Indian tribe and Point-No-Point treaty council shellfish management agreements.

(4) The commission shall prepare an updated plan for Fort Worden management and development. In updating the plan the commission shall: (a) Reevaluate the goals and objectives of the park, (b) examine current functions of the park including camping, day use, recreation activities, vacation housing, the conference center, and cultural arts programs, (c) determine how to provide reasonable opportunities for use of existing park facilities for all members of the public, and (d) propose alternatives to the current management approach. The commission shall submit the results to the appropriate committees of the legislature by October 1, 1990.

Sec. 304. Section 307, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

| | | |
|--|----|--------------------------|
| Outdoor Recreation Account Appropriation—State | \$ | ((1,900,000)) |
| | | 1,920,000 |
| Outdoor Recreation Account Appropriation—Federal | \$ | 26,000 |
| Total Appropriation | \$ | ((1,926,000)) |
| | | 1,946,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the outdoor recreation account—state appropriation is provided solely for a state-wide needs assessment and action plan for land acquisition for long-term outdoor recreation, wildlife, and conservation purposes. The agency shall oversee the preparation of the needs assessment and action plan and it may contract with a nonprofit organization representing these interests, subject to a requirement that private matching funding on a one-for-one basis be provided. The agency members of the interagency committee shall participate in the formulation of the plan and shall provide relevant information as needed. The report and plan shall be submitted to the legislature by January 15, 1990.

(2) \$20,000 of the outdoor recreation account—state appropriation is provided solely for an assessment of operation and maintenance needs of state-owned habitat and natural areas, parks, and other state-owned recreational sites. The study shall include recommendations of funding options to meet identified needs. The agency may contract for the study with a nonprofit organization, subject to the requirement that private matching funds be provided on a one-to-one basis. The agency members of the interagency committee shall participate in the study and provide relevant information as needed. The study and recommendations shall be submitted to the legislature by December 15, 1990.

Sec. 305. Section 308, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

| | | |
|----------------------------------|----|------------------------|
| General Fund Appropriation | \$ | ((901,000)) |
| | | 959,000 |

Sec. 306. Section 309, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

| | | |
|--|----|---------------------------|
| General Fund Appropriation | \$ | ((30,068,000)) |
| | | 31,268,000 |
| Motor Vehicle Fund Appropriation | \$ | 553,000 |
| Solid Waste Management Account Appropriation | \$ | 312,000 |
| Public Facility Construction Loan Revolving Fund Appropriation | \$ | 900,000 |
| Total Appropriation | \$ | ((30,933,000)) |
| | | 33,033,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$450,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse. In addition:

(a) The department shall spend the amount provided in this subsection solely for development of programs to be administered by the Washington economic development finance authority (the "authority") and shall not spend any amount for implementation or administration of the programs.

(b) On or before January 8, 1990, the department shall submit to the house of representatives appropriations committee and the senate ways and means committee a plan outlining

how state employees and state resources are expected to be used with respect to the authority and describing procedures under which the lending of credit provisions of the state Constitution will be observed.

(c) The amount provided in this subsection is intended to be a one-time appropriation from state-revenue sources to support the initial development of programs of the Washington economic development finance authority.

(d) No state funds from state revenue sources and no state funds from federal revenue sources, except federal revenue sources provided expressly for the authority or its programs may be used for a reserve fund for the authority's programs, and no public funds subject to either appropriation or allotment control may be used for a reserve account without prior consultation with the house of representatives appropriations committee and the senate ways and means committee.

(2) \$350,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. ~~(If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.)~~

(3) \$550,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

(a) The program shall provide technical assistance to firms and workforces in which there is a risk of plant closure, mass layoff, or business failure. This technical assistance shall include turn-around assistance to firms at risk of closure to identify management activities and other actions, including diversification, that would permit continued operation. The department may contract for specialized services to provide turn-around assistance.

(b) The department shall establish a business and job retention advisory committee. The governor shall appoint eight members of whom four shall be from business and four from labor. The directors, or their designees, of the departments of trade and economic development, community development, financial management, revenue, and employment security shall serve as ex officio members of the committee. The president of the senate and the speaker of the house of representatives shall each appoint one member from each of the major caucuses to serve as ex officio members of the committee.

(c) The department shall select, in consultation with the advisory committee, locally based development organizations to undertake local business and job retention activities. Such local activities shall include the identification of firms in which there is a risk of plant closure, mass layoff, or business failure; initial assessment of firms and their workforces; the provision of technical assistance; and referrals for additional resources. A maximum of \$275,000 of the appropriation may be expended for contracts with locally based development organizations for local business and job retention activities.

(d) The department, in consultation with the advisory committee, shall provide grants to study the feasibility of various options for continuing or renewing the operation of industrial facilities that are threatened with closure or that have already closed. Grants shall also be made for proposals to implement a system to identify firms at risk of closure, layoff, or relocation. Grants may not exceed \$35,000 and may be made to: Local governments, ports, local associate development organizations, local labor organizations, or local nonprofit community organizations. The department may require that grant money be matched at least dollar for dollar with nonstate money.

(e) The department shall establish an early warning program within the business and job retention program. The program shall obtain information currently available within state agencies to identify firms and industrial facilities at risk of closure, consistent with the confidentiality requirements of chapter 50.13 RCW.

(4) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(5) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(6) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$175,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$25,000 is provided solely for the development of a tourism advisory committee; and (d) \$100,000 is provided solely for additional staff and costs associated with the film and video division within the department.

(7) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

(a) \$331,000 is provided solely for the department of agriculture, by interagency agreement, for continuation of its contractual relationship with TRIDEC and for development of local diversification agricultural projects;

(b) \$206,000 is provided solely for the department of community development, by interagency agreement, for social service impact mitigation, and for loan packaging assistance;

(c) \$260,000 is provided solely for transfer to the employment security department, by interagency agreement, for a state-funded employment and training project;

(d) \$250,000 is provided solely for transfer to the employment security department, by interagency agreement, for public works related employment;

(e) \$383,000 is provided solely for contracts with local organizations for specific diversification projects;

(f) \$184,000 is provided solely for necessary staff to implement and coordinate the Tri-Cities diversification program.

(8) \$367,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purpose of identifying new markets, developing new technologies and products, and assisting production and marketing efforts. This program shall provide specialized expertise on issues affecting forest products companies, including the provision of assistance to firms experiencing supply problems, and shall provide industry perspective on proposed state and federal policies and programs impacting the forest industry. The department may contract for services provided under this chapter.

(9) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(10) \$305,000 of the general fund appropriation is provided solely for the center for international trade in forest products (CINTRAFOR).

(11) The general fund appropriation in this section includes moneys for higher education salary increases for the Washington high technology center and CINTRAFOR in the manner provided in section 601 of this act.

(12) It is the intent of the legislature that the department shall continue to provide grants of at least current level amounts to associate development organizations located in counties of at least classes three through eight.

(13) \$400,000 may be allocated to the Washington research foundation. The state auditor shall conduct an audit of the foundation by December 1, 1989.

(14) \$150,000 of the general fund—state appropriation is provided solely for the department to provide technical assistance and staff support for the Lady Washington Pacific Expedition to the Far East.

(15) \$400,000 of the general fund—state appropriation is provided solely for development of a program designed to promote market opportunities, particularly value-added timber processing, for wood products firms in timber-dependent communities. The department shall submit a progress report to the house of representatives appropriations committee and the senate ways and means committee by December 1, 1990.

(16) \$75,000 of the general fund—state appropriation is provided solely for a contract with the Tacoma world trade center for the development and operation of a program to enhance export opportunities for Washington business.

(17) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development to implement a self-employment loan program as provided under Engrossed Substitute House Bill No. 2929 (growth management).

(18) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely to create an industrial competitiveness program, as provided in Engrossed Substitute House Bill No. 2929 (growth management).

(19) \$100,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development for technical assistance through the department's local development matching fund program, as provided in Engrossed Substitute House Bill No. 2929 (growth management).

(20) \$50,000 of the general fund—state appropriation is provided solely to fund the operation of a service delivery task force as provided in Engrossed Substitute House Bill No. 2929 (growth management).

(21) \$150,000 of the general fund—state appropriation is provided solely to establish rural-urban linkages among businesses under the marketplace program.

(22) \$150,000 of the general fund—state appropriation is provided solely for local economic development service organizations under Engrossed Substitute House Bill No. 2929 (growth management). Of this amount: (a) \$100,000 is provided for the department to provide training for associate development organizations; and (b) \$50,000 is provided for staff support. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) \$100,000 of the general fund—state appropriation is provided solely for business network grants through the business assistance center as provided in Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(24) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development to establish a council on

rural revitalization, within the department, to oversee four pilot revitalization projects in rural communities.

(25) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development to implement Engrossed Substitute House Bill No. 2706 (economic diversification).

(26) \$45,000 of the general fund—state appropriation is provided solely for the department to conduct an evaluation of the Washington technology center.

(27) \$80,000 of the general fund—state appropriation is provided solely for the department to contract with the department of community development for development of an econometric model, after consultation with the department of revenue, to analyze the economic impact of sports facilities and events. The department shall develop an application process for requests for state funding for these facilities and events. The department shall establish an advisory committee to review this process that includes representatives from the: (a) Department of revenue; (b) department of trade and economic development; (c) fiscal committees of the house of representatives and ways and means committee of the senate; (d) office of financial management; and (e) trade and economic development committee of the house of representatives and the senate economic development and labor committee. The department shall report to the legislature on these activities by January 1991.

Sec. 307, Section 313, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

| | | |
|---|----|---|
| General Fund Appropriation—State | \$ | ((54,022,000)) 55,850,000 |
| General Fund Appropriation—Federal | \$ | ((16,496,000)) 16,700,000 |
| General Fund Appropriation—Private/Local | \$ | ((5,204,000)) 7,727,000 |
| Aquatic Lands Enhancement Account Appropriation | \$ | 1,076,000 |
| Total Appropriation | \$ | ((76,876,000)) 81,353,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vessel registration.

(2) \$100,000 of the general fund—state appropriation is provided solely for monitoring of Navy homeport dredging and dumping.

(3) \$250,000 of the general fund—state appropriation is provided solely for a grant for shellfish studies to the sea grant program at the University of Washington.

~~((5))~~ (4) \$1,810,000 of the general fund—state appropriation is provided solely for recreational salmon enhancement projects.

~~((6))~~ (5) \$41,000 of the general fund—state appropriation is provided to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(6) \$1,480,000 of the general fund—state appropriation is provided solely for attorney general costs, including related support costs and expert witness fees, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission, in defending the state and public interests in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general's costs shall be paid as an interagency reimbursement.

(7) \$90,000 of the general fund—state appropriation is provided solely to meet the department's responsibilities under the Squamish Indian tribe, Point-No-Point treaty council, and Indian Island Navy shellfish management agreements.

(8) \$211,000 of the general fund—state appropriation is provided solely to fund an investigation of the nuclear inclusion X (NIX) virus as it relates to the state's razor clam population.

Sec. 308, Section 314, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

| | | |
|---|----|---|
| General Fund Appropriation | \$ | ((9,385,000)) 9,687,000 |
| ORV (Off-Road Vehicle) Account Appropriation | \$ | 265,000 |
| Aquatic Lands Enhancement Account Appropriation | \$ | 1,081,000 |
| Public Safety and Education Account Appropriation | \$ | 566,000 |
| Wildlife Fund Appropriation—State | \$ | ((41,441,000)) 42,314,000 |
| Wildlife Fund Appropriation—Federal | \$ | ((15,717,000)) 15,608,000 |
| Wildlife Fund Appropriation—Private/Local | \$ | 2,135,000 |
| Game Special Wildlife Account Appropriation | \$ | ((466,000)) 503,000 |

| | | |
|---------------------|----|---------------------------------------|
| Total Appropriation | \$ | (71,056,000) 72,159,000 |
|---------------------|----|---------------------------------------|

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(2) ~~\$((68,000))~~ 220,000 of the general fund appropriation is provided solely ~~((for contracting))~~ for fire protection and suppression costs on agency lands. Of this amount: (a) \$95,000 is provided solely for contracting for fire protection; (b) \$125,000 is provided solely to cover the actual cost of fire suppression activities.

(3) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

(4) \$186,000 of the wildlife fund—state appropriation is provided solely for an elk control plan in the Blue Mountains.

(5) \$80,000 of the wildlife fund—state appropriation is provided solely to implement chapter 110, Laws of 1990 (Second Substitute Senate Bill No. 5845, fish enhancement).

(6) \$125,000 of the general fund appropriation and \$125,000 of the wildlife fund—state appropriation are provided solely for a cooperative effort with the department of agriculture for the control and eradication of purple loosestrife, including surveys, research, and public education.

(7) \$250,000 of the wildlife fund—state appropriation is provided solely for an inventory of critical wildlife habitat.

(8) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund—state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local governments, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

Sec. 309, Section 315, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

| | | |
|---|----|---|
| General Fund Appropriation—State | \$ | ((44,540,000)) 46,192,500 |
| General Fund Appropriation—Federal | \$ | 639,000 |
| General Fund Appropriation—Private/Local | \$ | 12,000 |
| ORV (Off-Road Vehicle) Account Appropriation—Federal | \$ | 3,266,000 |
| Geothermal Account Appropriation—Federal | \$ | 16,000 |
| Forest Development Account Appropriation | \$ | ((23,074,000)) 23,517,000 |
| Survey and Maps Account Appropriation | \$ | ((860,000)) 1,090,000 |
| Natural Resources Conservation Area Stewardship Account Appropriation | \$ | 364,000 |
| Aquatic Lands Enhancement Account Appropriation | \$ | 635,000 |
| Landowner Contingency Forest Fire Suppression Account Appropriation | \$ | 2,119,000 |
| Resource Management Cost Account Appropriation | \$ | ((60,432,000)) 69,577,000 |
| Aquatic Land Dredged Material Disposal Site Account Appropriation | \$ | ((200,000)) 536,000 |
| State Toxics Control Account Appropriation | \$ | 399,000 |
| Total Appropriation | \$ | ((144,243,000)) 148,362,500 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,654,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

(8) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(9) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(10) \$125,000 of the general fund—state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(11) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(12) The department of natural resources, in cooperation with the United States forest service, other federal agencies, private timber land owners, and the University of Washington, shall conduct a timber and timber land inventory to provide the information needed to prepare an assessment of the timber supply in Washington state. The inventory shall be prepared in such a way that it may be updated periodically. The inventory shall include all state, private, county, federal, and commercial forest lands and shall include estimates on the acreage and volumes of timber withdrawn from harvest from lands such as parks, watersheds, and similar lands reserved for nontimber producing activities. \$1,000,000, of which \$750,000 is from the general fund—state appropriation, \$75,000 is from the forest development account appropriation, and \$175,000 is from the resource management cost account appropriation, are provided solely for the purposes of this subsection.

(13) \$163,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(14) \$1,351,000, of which \$608,000 is from the general fund—state appropriation, \$324,000 is from the forest development account appropriation, and \$419,000 is from the resource management cost account appropriation, is provided solely for costs related to forestry camp No. 1.

(15) \$6,500 of the general fund—state appropriation is provided solely to provide additional resources to subsidize amateur radio repeaters on trust lands.

(16) The department of natural resources shall sell approximately 800 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, but not less than \$833,000. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation \$ 7,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the purchase, including related administrative costs, of forest lands suitable for sustainable commercial forestry in areas: (a) in danger of being parceled or converted to nonforest uses; (b) where state acquisition is the most prudent means of retaining such lands in forest uses; and (c) where there is potential for multiple use of the lands consistent with RCW 79.68.050.

(2) Up to twenty-five percent of the revenue from the lands purchased under this section, as determined by the board of natural resources, may be deposited in the forest development account to reimburse the forest development account for expenditures from the account for the management of the lands.

(3) The remainder of the revenue from the lands purchased under this section shall be deposited in the community college forest reserve account hereby created in the state treasury. Moneys in the account may be appropriated by the legislature exclusively for the capital construction needs of the state community college system.

NEW SECTION, Sec. 311. FOR TIMBER LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION

General Fund Appropriation \$ 100,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000,000 of this appropriation is provided to the state parks and recreation commission solely to acquire common school trust lands that have been identified in the commission's 1989 agreement with the department of natural resources as appropriate for state park use.

(2) The remainder of the appropriation shall be deposited in the school construction revolving fund, hereby created in the custody of the state treasurer. Funds shall be expended, without further appropriation, by the department of natural resources to acquire, in fee simple, common school trust lands lying west of the crest of the Cascade mountain range. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Lands and timber purchased under this section shall be appraised and purchased at fair market value. The proceeds from the sale of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deduction shall be made for the resource management cost account under RCW 79.64.040. The proceeds from the sale of the land under subsection (2) of this section shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber-to-land value in these transactions.

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts.

(6) Lands and timber purchased under subsection (2) of this section shall be managed under chapter 79.70 or 79.71 RCW as determined by the department of natural resources.

Sec. 312, Section 317, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((10,700,000)) |
| | | 19,263,000 |
| General Fund Appropriation—Federal | \$ | ((795,000)) |
| | | 995,000 |
| State Toxics Control Account Appropriation | \$ | ((299,000)) |
| | | 699,000 |
| Total Appropriation | \$ | ((19,874,000)) |
| | | 20,957,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Authority to expend funds from any source for AIM 2000, the agency information system, is conditioned on compliance with section 802 of this act.

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$1,224,000 of the amount provided in this subsection shall be supported by increased fees deposited into the general fund in accordance with chapter 15.58 RCW.

(3) \$50,000 of the general fund—state appropriation is provided solely for a survey of apple maggot infestation in northwest Washington counties.

(4) \$66,000 of the general fund—state appropriation is provided solely to implement chapter 202, Laws of 1990 (Engrossed Senate Bill No. 6164, food transport).

(5) \$200,000 of the general fund—state appropriation is provided solely to match an equal amount of federal funds for predator control efforts. The department shall report to the house of representatives appropriations committee and the senate ways and means committee by January 1, 1991, evaluating the effectiveness of the predator control measures implemented under this subsection.

Sec. 313. Section 318, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

| | | |
|---|----|---|
| State Convention/Trade Center Account Appropriation | \$ | ((22,119,000)) 22,169,000 |
|---|----|---|

The appropriation in this section is subject to the following conditions and limitations: \$3,453,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

Sec. 314. Section 19, chapter 383, Laws of 1989 (uncodified) is amended to read as follows:

The sum of ~~((four hundred))~~ nine hundred thirty-six thousand dollars, or as much thereof as may be necessary, is appropriated from the pollution liability reinsurance program trust account to the Washington pollution liability reinsurance program for the biennium ending June 30, 1991 ~~((to carry out the purposes of this act))~~.

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((25,718,000)) 26,037,000 |
| General Fund Appropriation—Federal | \$ | 161,000 |
| General Fund Appropriation—Private/Local | \$ | 164,000 |
| Death Investigations Account Appropriation | \$ | 24,000 |
| State Patrol Highway Account Appropriation | \$ | 364,000 |
| Total Appropriation | \$ | ((26,067,000)) 26,750,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: ~~((+))~~ (a) To verify weight for criminal cases where weight is a factor, or ~~((+))~~ (b) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

(2) \$143,000 of the general fund—state appropriation is provided solely to establish and maintain a central computerized registry of convicted adult and juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(3) \$42,000 of the general fund—state appropriation is provided solely to conduct background checks of specified certificated school employees pursuant to chapter 3, Laws of 1990.

(4) \$250,000 of the state patrol highway account appropriation is provided solely for the bicycle awareness program. It is the intent of the legislature that the bicycle awareness program reach the maximum feasible number of children in grades kindergarten through six. These funds shall not be used to supplant existing funds currently allotted for those efforts.

(5) \$65,000 of the state patrol highway account appropriation is provided solely for the acquisition of commercial vehicle enforcement portable scales.

(6) \$49,000 of the state patrol highway account appropriation is provided solely for the department of general administration motor vehicle fleet assessment.

Sec. 402. Section 402, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

| | | |
|---|----|---|
| General Fund Appropriation | \$ | ((19,349,000)) 21,833,000 |
| Architects' License Account Appropriation | \$ | ((623,000)) 809,000 |
| Cemetery Account Appropriation | \$ | ((157,000)) 158,000 |
| Health Professions Account Appropriation | \$ | ((15,059,000)) 15,122,000 |
| Medical Disciplinary Account Appropriation | \$ | 1,586,000 |
| Professional Engineers' Account Appropriation | \$ | ((1,527,000)) 1,853,000 |
| Real Estate Commission Account Appropriation | \$ | ((5,603,000)) 6,302,000 |
| Total Appropriation | \$ | ((43,904,000)) 47,663,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) If uniform commercial code filing fees are increased such that the increase is expected to yield at least \$1,000,000 in additional revenues, then up to \$1,000,000 of the general fund—state appropriation may be expended for department purposes.

(2) If any of the following bills are not enacted by June 30, 1989, a corresponding amount, shown below, from the health professions account appropriation shall lapse:

| | | |
|---------------------------|----|--------|
| House Bill No. 1896 | \$ | 9,000 |
| House Bill No. 2126 | \$ | 42,000 |

(3) Of the general fund—state appropriation, the following amounts are provided solely for the purposes of the following bills. The general fund shall be reimbursed by June 30, 1991, through an assessment of fees sufficient to cover all costs associated with enacting the purposes of the following legislation. If any of the following bills is not enacted by June 30, 1989, a corresponding amount, shown below, from the general fund—state appropriation in this section shall lapse:

| | | |
|---------------------------------------|----|---------|
| House Bill No. 1096 | \$ | 130,000 |
| Engrossed House Bill No. 1917 | \$ | 450,000 |
| Substitute Senate Bill No. 5085 | \$ | 153,000 |

(4) Authority to expend funds for the licensing application migration project (LAMP) is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

NEW SECTION. Sec. 403. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE AIR TRANSPORTATION COMMISSION

| | | |
|---------------------------|----|---------|
| Transportation Fund | \$ | 275,000 |
|---------------------------|----|---------|

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to implement sections 40 through 44 of Senate Bill No. 6408.

PART V
EDUCATION

Sec. 501. Section 501, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

| | | |
|---|----|-------------------------|
| General Fund Appropriation—State | \$ | (19,774,000) |
| | | 19,929,000 |
| General Fund Appropriation—Federal | \$ | 9,074,000 |
| Public Safety and Education Account Appropriation | \$ | 409,000 |
| Total Appropriation | \$ | (29,257,000) |
| | | 29,412,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$336,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs.

(3) \$19,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$54,000 of the general fund—state appropriation is provided solely for Hispanic drop-out prevention and retrieval.

(5) \$200,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials, and for training to implement innovative curricula such as a schools and architecture program. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(6) ~~\$(25,000)~~ 50,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools. In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

(7) \$30,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5835 establishing an energy information program for use in local school districts.

(8) \$100,000 of the general fund—state appropriation is provided solely for the development of an informational brochure on enrollment options. The brochure shall be distributed to local school districts for dissemination to parents and students.

Sec. 502. Section 502, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ~~(4,323,885,888)~~
4,340,690,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~S((4+4,063,888))~~ 419,407,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under ~~((c) and (d))~~ (e) and (f) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under ~~((c) and (d))~~ (e) and (f) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under ~~((c))~~ (d) through ~~((f))~~ (g) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For the 1990-91 school year, an additional 1.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight;

(c) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

~~((c))~~ (d)(i) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, other than skills center programs, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students ~~(-except that)~~ in the 1989-90 school year and for each 17,075 full time equivalent students in the 1990-91 school year;

(i) For skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

~~((c))~~ (e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

~~((c))~~ (f) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

((ff)) (g) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under ((ff)) (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

((gg)) (h) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

((hh)) (i) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) ((dd)) (e) through ((hh)) (i) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), (c), and ((dd)) (e) through ((hh)) (i) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)((ee)) (d) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of \$9,925,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$358,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(d) A maximum of \$6,000,000 is provided solely for the purchase of new and replacement vocational education equipment for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1989-90 school year on the basis of full time equivalent enrollment in vocational programs.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and ((5-74)) 7.0 percent from the 1989-90 school year to the 1990-91 school year.

(10) (a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

(11) School districts shall use allocations for salaries and benefits generated under subsection (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-3 above fifty-one per thousand, or to employ classified instructional assistants assigned to K-3 basic education classrooms. However, a district that has achieved a ratio of fifty-three basic education certificated instructional staff per thousand full time equivalent students in grades K-3 may also use the allocation to employ additional basic education certificated instructional staff or classified instructional assistants in any grades K-12. School districts shall document to the superintendent of instruction how the allocation was used and shall submit documentation on the number of classified instructional assistants employed in grades K-3 in the 1989-90 and 1990-91 school years. If a district uses moneys provided under subsection (2)(b) of this section for K-3 certificated instructional staff, these staff shall be excluded when determining the district's actual K-3 staffing ratio under subsection (10) of this section. A district shall be ineligible to receive allocations under subsection (2)(b) of this section unless the district documents to the superintendent of public instruction that its actual K-3 ratio under subsection (10) of this section for the 1990-91 school year is at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students. Districts may not use allocations provided under this subsection to supplant other moneys previously used to employ K-3 certificated instructional staff or K-3 classified instructional assistants. The superintendent of public instruction shall recover funding allocated under subsection (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified.

(12) The additional moneys allocated due to the increase in the vocational-secondary staff ratio provided in subsection (2)(d) of this section shall be expended solely for expanded vocational-secondary programs approved by the superintendent of public instruction. Funds provided may be expended for extended day contracts. The percentage rate of indirect charges to vocational-secondary programs, in total, shall not exceed the state-wide average percentage rates of indirect charges in all other state-funded categorical programs.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SUPPLIES, MATERIALS, AND EQUIPMENT

General Fund Appropriation \$ 43,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(2) \$38,000,000 is provided solely for the purchase of nonconsumable instructional supplies, equipment, books, and nonconsumable materials. The superintendent of public instruction shall allocate funds in fiscal year 1991 based on the full time equivalent enrollment in kindergarten

through grade twelve. These funds shall not be used for supplemental contracts under RCW 28A.58.0951(4). A district receiving funds from this amount shall not reduce or supplant its current level of expenditure for supplies, equipment, or materials. From this amount, school districts are encouraged to maximize allocations provided directly to each school building, allowing school building-level staff to decide the use of the moneys and the specific items purchased.

(3) \$5,000,000 is provided solely for the purchase of new and replacement vocational-education equipment in fiscal year 1991 for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1991 fiscal year on the basis of full time equivalent enrollment in vocational programs.

Sec. 504. Section 503, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

| | | |
|----------------------------------|----|--------------------------|
| General Fund Appropriation | \$ | (196,128,000) |
| | | <u>221,451,000</u> |

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on ~~(May 7, 1989)~~ March 29, 1990, at 11:00 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

(f) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) ~~\$(7,492,000)~~ 7,517,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) ~~\$(27,903,000)~~ 30,396,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional ~~((3+2))~~ 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~\$(166,733,000)~~ 183,538,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA | BA+15 | BA+30 | BA+45 |
|------------------|--------|--------|--------|--------|
| 0 | 18,304 | 18,798 | 19,311 | 19,823 |
| 1 | 18,981 | 19,494 | 20,025 | 20,574 |
| 2 | 19,677 | 20,208 | 20,757 | 21,361 |
| 3 | 20,409 | 20,958 | 21,526 | 22,166 |
| 4 | 21,159 | 21,745 | 22,331 | 23,008 |
| 5 | 21,946 | 22,551 | 23,155 | 23,887 |
| 6 | 22,770 | 23,374 | 24,015 | 24,802 |
| 7 | 23,612 | 24,234 | 24,893 | 25,735 |
| 8 | 24,472 | 25,131 | 25,809 | 26,724 |
| 9 | | 26,065 | 26,779 | 27,731 |
| 10 | | | 27,767 | 28,792 |
| 11 | | | | 29,890 |
| 12 | | | | |
| 13 | | | | |
| 14 or more | | | | |

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA+90 | BA+135 | MA | MA+45 | MA+90 or PHD |
|------------------|--------|--------|--------|--------|--------------|
| 0 | 21,471 | 22,532 | 21,471 | 22,770 | 23,887 |
| 1 | 22,276 | 23,356 | 22,276 | 23,612 | 24,765 |
| 2 | 23,100 | 24,216 | 23,100 | 24,491 | 25,681 |
| 3 | 23,942 | 25,113 | 23,942 | 25,388 | 26,632 |
| 4 | 24,839 | 26,047 | 24,839 | 26,321 | 27,621 |
| 5 | 25,754 | 27,017 | 25,754 | 27,310 | 28,627 |
| 6 | 26,706 | 28,005 | 26,706 | 28,316 | 29,689 |

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA+90 | BA+135 | MA | MA+45 | MA+90 or PHD |
|------------------|--------|--------|--------|--------|--------------|
| 7 | 27,694 | 29,048 | 27,694 | 29,360 | 30,787 |
| 8 | 28,719 | 30,128 | 28,719 | 30,440 | 31,940 |
| 9 | 29,781 | 31,245 | 29,781 | 31,574 | 33,112 |
| 10 | 30,879 | 32,398 | 30,879 | 32,746 | 34,338 |
| 11 | 32,032 | 33,588 | 32,032 | 33,954 | 35,601 |
| 12 | 33,222 | 34,833 | 33,222 | 35,217 | 36,919 |
| 13 | 34,448 | 36,114 | 34,448 | 36,516 | 38,292 |
| 14 or more | | 37,450 | 35,711 | 37,871 | 39,701 |

(b) As used in this subsection, "+(N)" means the number of credits earned since receiving the highest degree.

(7)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA | BA+15 | BA+30 | BA+45 |
|-----------------------|--------|--------|--------|--------|
| 0 | 20,001 | 20,541 | 21,101 | 21,661 |
| 1 | 20,656 | 21,214 | 21,792 | 22,389 |
| 2 | 21,325 | 21,900 | 22,495 | 23,150 |
| 3 | 22,027 | 22,620 | 23,232 | 23,923 |
| 4 | 22,742 | 23,372 | 24,001 | 24,729 |
| 5 | 23,490 | 24,136 | 24,783 | 25,566 |
| 6 | 24,269 | 24,913 | 25,596 | 26,435 |
| 7 | 25,061 | 25,721 | 26,421 | 27,314 |
| 8 | 25,864 | 26,561 | 27,277 | 28,244 |
| 9 | | 27,431 | 28,182 | 29,184 |
| 10 | | | 29,098 | 30,172 |
| 11 | | | | 31,189 |
| 12-17 | | | | 32,125 |
| 13 | | | | |
| 14 or more | | | | |
| 18 or more | | | | 33,088 |

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

| Years of Service | BA+90 | BA+135 | MA | MA+45 | MA+90 or PHD |
|-----------------------|--------|--------|--------|--------|--------------|
| 0 | 23,461 | 24,621 | 23,980 | 25,780 | 26,940 |
| 1 | 24,242 | 25,417 | 24,708 | 26,561 | 27,736 |
| 2 | 25,034 | 26,245 | 25,469 | 27,353 | 28,563 |
| 3 | 25,840 | 27,104 | 26,242 | 28,159 | 29,423 |
| 4 | 26,696 | 27,995 | 27,048 | 29,015 | 30,314 |
| 5 | 27,565 | 28,916 | 27,885 | 29,884 | 31,235 |
| 6 | 28,464 | 29,849 | 28,754 | 30,783 | 32,168 |
| 7 | 29,393 | 30,831 | 29,633 | 31,712 | 33,150 |
| 8 | 30,352 | 31,842 | 30,563 | 32,671 | 34,161 |
| 9 | 31,341 | 32,882 | 31,502 | 33,660 | 35,201 |
| 10 | 32,358 | 33,950 | 32,491 | 34,677 | 36,269 |
| 11 | 33,423 | 35,047 | 33,508 | 35,742 | 37,366 |
| 12 | 34,516 | 36,189 | 34,566 | 36,835 | 38,508 |
| 13 | 35,636 | 37,359 | 35,659 | 37,955 | 39,678 |
| 14-17 | 36,705 | 38,573 | 36,786 | 39,154 | 40,892 |
| 18 or more | | | | | |
| 18-21 | 37,806 | 39,730 | 37,890 | 40,329 | 42,119 |
| 22 or more | | 40,922 | 39,026 | 41,538 | 43,382 |

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (6) and (7) of this section are for allocation purposes only. However, it is the legislature's intent to respond to salary needs of many senior teachers who have not been receiving salary increments on either state or local salary schedules. The legislature and the public recognize the need to provide salary growth for these senior teachers in order to encourage them to continue teaching. School districts should target moneys generated by the additional seniority steps provided for state salary funding in the 1990-91 school year to senior certification instructional staff. By December 1, 1990, each school district shall submit to the superintendent of public instruction a statement signed by the district's board of directors explaining how the moneys generated by the additional seniority steps were used and whether these moneys were targeted to senior staff.

Sec. 505. Section 504, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ (38,736,000)
45,361,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of ~~\$(13,400,000)~~ 15,010,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by ~~\$(40.13)~~ 48.08 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by ~~\$(22.99)~~ 26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by ~~\$(23.78)~~ 28.49 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by ~~\$(205.01)~~ 240.15 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by ~~\$(1.18)~~ 1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of ~~\$(25,336,000)~~ 30,351,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

Sec. 506. Section 505, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ ~~((21,111,000))~~
25,695,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff ~~((in the 1989-90 and 1990-91 school years, effective October 1, 1989))~~ to a rate of \$239.86 per month, effective October 1, 1989, and to a rate of \$246.24 per month, effective September 1, 1990, as distributed pursuant to this section.

(3) A maximum of ~~\$(+6,939,000))~~ 20,465,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(4) A maximum of ~~\$(2,226,000))~~ 2,843,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(5) A maximum of ~~\$(+68,000))~~ 130,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(6) A maximum of ~~\$(+838,000))~~ 2,257,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified effective October 1989. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile effective October 1, 1989, and an additional increase of \$0.06 per weighted pupil-mile effective September 1, 1990;

(b) For learning assistance, an increase of \$3.78 per pupil effective October 1, 1989, and an additional increase of \$1.59 per pupil effective September 1, 1990;

(c) For education of highly capable students, an increase of \$1.29 per pupil effective October 1, 1989, and an additional increase of \$0.54 per pupil effective September 1, 1990;

(d) For transitional bilingual education, an increase of \$2.44 per pupil effective October 1, 1989, and an additional increase of \$1.03 per pupil effective September 1, 1990;

(e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil effective October 1, 1989, and an additional increase of \$4.25 per full time equivalent pupil effective September 1, 1990.

(7) If Substitute House Bill No. 2230 (school employee benefit plans) is not enacted by June 30, 1990, increases under this section to be effective September 1, 1990, shall not be implemented and \$4,284,000 of the appropriation in this section shall lapse.

Sec. 507. Section 507, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~((250,821,000))~~
252,938,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of ~~\$(+11,468,000))~~ 112,197,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

Sec. 508. Section 508, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ ~~((82,884,000))~~
 83,284,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(2) Funding for vocational programs during the 1990-91 school year shall be distributed at a rate of \$3,268 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.

(5) \$400,000 of the appropriation is provided solely for pilot programs established under section 5(4) of Engrossed Senate Bill No. 6411. The pilot programs shall use innovative approaches for integrating adult education instruction with vocational training. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6)(a) For the 1989-90 and 1990-91 school years, school districts receiving allocations under this section may not increase direct or indirect charges for central district administrative support for vocational technical institute programs above the percentage rate charged in the 1988-89 school year. This restriction on use of vocational technical institute funding for central administrative costs shall apply to state grants under this section and any federal grants, tuition, and other revenues generated by vocational technical institute programs. The remaining funding shall be expended solely for vocational training programs and related adult education programs conducted by vocational technical institutes.

(b) The vocational technical institutes shall develop an inventory of all facilities, equipment, and real or personal property, excluding consumable supplies, acquired for or in use by vocational technical institutes as of April 1, 1990. The office of financial management shall assist the vocational technical institutes in obtaining third party verification of the inventory. School districts receiving grants under this section shall not remove inventoried facilities, equipment, or property from the jurisdiction or use of the vocational technical institutes so as to benefit or be available for use in other K-12 programs.

Sec. 509. Section 510, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State \$ ~~((503,593,000))~~
 528,627,000
 General Fund Appropriation—Federal \$ 59,000,000
 Total Appropriation \$ ~~((562,593,000))~~
 587,627,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((40,111,000))~~ 48,101,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of ~~\$((440,000))~~ 527,000 may be expended from the general fund—state appropriation to fund ~~((4,66))~~ 5.43 full time equivalent teachers and ~~((one aide))~~ 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund—state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund—state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of \$1,500,000 of the general fund—state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under

section 13 of Engrossed Substitute House Bill No. 1444. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with specific learning disabled enrollment at the prior school year's level; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

Sec. 510. Section 513, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

| | | |
|----------------------------------|----|---------------------------|
| General Fund Appropriation | \$ | ((82,706,000)) |
| | | <u>95,844,000</u> |

The appropriation in this section is subject to the following conditions and limitations: ~~\$((82,706,000))~~ 95,844,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 511. Section 515, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((20,566,000)) |
| | | <u>21,939,000</u> |
| General Fund Appropriation—Federal | \$ | 8,006,000 |
| Total Appropriation | \$ | ((28,572,000)) |
| | | <u>29,945,000</u> |

The appropriations in this section are subject to the following conditions and limitations:
 (1) \$3,817,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) ~~\$((16,165,000))~~ 11,374,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) ~~\$((3,293,000))~~ 3,377,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((10,903))~~ 11,144 per full time equivalent student.

(b) ~~\$((3,647,000))~~ 3,883,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((6,728))~~ 6,750 per full time equivalent student.

(c) ~~\$((418,000))~~ 444,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((5,166))~~ 5,344 per full time equivalent student.

(d) ~~\$((727,000))~~ 821,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((1,772))~~ 2,032 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) ~~\$((2,000,000))~~ 2,849,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((4,071))~~ 4,976 per full time equivalent student.

(3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of ~~\$((10,047))~~ 11,128 per full time equivalent student and a total allocation of no more than ~~\$((2,005,000))~~ 2,960,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of ~~\$((6,741))~~ 6,761 per full time equivalent student and a total allocation of no more than ~~\$((3,701,000))~~ 3,712,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of ~~\$((5,177))~~ 5,489 per full time equivalent student and a total allocation of no more than ~~\$((19,000))~~ 445,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of ~~\$((1,789))~~ 2,021 per full time equivalent student and a total allocation of no more than ~~\$((723,000))~~ 816,000 for that school year, excluding funds provided through the basic education formula established in section 502 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of ~~\$((4,002))~~ 4,987 per full time equivalent student and a total allocation of no more than ~~\$((2,000,000))~~ 2,125,000 for that school year.

(4) \$167,000 of the general fund—state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(6) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

Sec. 512. Section 516, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

| | | |
|----------------------------|----|--------------------------|
| General Fund Appropriation | \$ | (7,090,000) |
| | | <u>7,115,000</u> |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$(~~534,000~~) 532,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 school year shall be distributed at a maximum rate of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$364 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(4) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 513. Section 517, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

| | | |
|------------------------------------|----|---------------------------|
| General Fund Appropriation—State | \$ | (5,604,000) |
| | | 5,784,000 |
| General Fund Appropriation—Federal | \$ | 5,131,000 |
| Total Appropriation | \$ | (10,015,000) |
| | | <u>10,915,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$2,029,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$872,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(5) \$1,500,000 of the general fund—state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. The funding is intended to provide a training program of at least twenty-five hours for approximately one thousand classroom assistants, and at least a one-day training program

for approximately two thousand assigned teachers. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$350,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training. In the 1990-91 school year, grants may be provided for up to ten school districts. Districts shall be selected according to the percentage of their minority student population and their demonstrated need to address disproportionality in student achievement.

(7) \$100,000 of the general fund—state appropriation is provided solely to contract with the Henry M. Jackson school of international studies at the University of Washington to provide inservice training programs, technical assistance to school districts, and dissemination of curriculum materials related to international education.

Sec. 514. Section 518, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((15,991,000)) 25,141,000 |
| General Fund Appropriation—Federal | \$ | ((5,973,000)) 7,857,000 |
| Total Appropriation | \$ | ((21,964,000)) 32,998,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,731,000 of the general fund—state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools. \$815,000 of this amount is provided to expand the travelling van program to serve approximately 50 percent of public elementary schools annually, and to expand the on-site instruction program to serve approximately 70,000 students and teachers each year.

(2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) ~~\$((3,975,000))~~ 5,759,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.

(4) ~~\$((5,719,000))~~ 7,429,000 of the general fund—state appropriation ~~((and \$1,710,000 of the general fund—federal appropriation are))~~ is provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. ~~((The general fund—federal appropriation shall be expended))~~ \$1,710,000 of this amount is provided solely to establish a maximum of twelve new projects in fiscal year 1991.

(5) \$3,560,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.

(7) \$1,519,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs, who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.

(8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(9) ~~\$((250,000))~~ 500,000 of the general fund—state appropriation is provided solely for the continuation in the 1989-90 and 1990-91 school years of student teaching pilot projects initially established under ((Engrossed Senate Bill No. 5026. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse)) RCW 28A.70.400.

(10) ~~\$((2,712,000))~~ 1,202,000 of the general fund—state appropriation and ~~\$((200,000))~~ 1,998,000 of the general fund—federal appropriation are provided solely for grants for drop-out prevention and retrieval programs established under RCW 28A.120.060 through 28A.120.072. The general fund—federal appropriation shall be allocated to school districts for projects that meet federal criteria for targeted services eligible for funding under chapter 2 of the education consolidation and improvement act, to assist in establishing new services and innovative programs for students at risk. \$200,000 of the amounts provided in this subsection is provided solely for grants to a school district or districts participating in a drop-out tracking project established by the superintendent of public instruction. Districts participating in the drop-out tracking project shall contact students who have dropped out of school; gather information on their reasons for leaving school and on any subsequent educational or employment

experiences; provide information on educational programs and community resources; and assist the students in taking advantage of these opportunities. The superintendent of public instruction shall compile and analyze the data gathered, disseminate the information and analyses, make recommendations, and develop a model drop-out tracking program.

(11) (a) \$126,000 of the general fund—state appropriation is provided solely to establish and operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(b) \$100,000 of the general fund—federal appropriation is provided solely for youth suicide prevention and intervention services, of which \$50,000 is provided solely for the south King county multi-service center and \$50,000 is provided solely for the youth suicide prevention center of Bothell.

(12) \$450,000 of the general fund—state appropriation is provided solely for grants to school districts in the 1990-91 school year for programs to employ low-income students in grades ten through twelve as tutors for students in kindergarten through grade nine. School districts receiving these grants shall pay student tutors at least minimum wage. The tutoring shall be conducted after school hours. The school districts shall provide training and supervision of the student tutors.

(13) \$750,000 of the general fund—state appropriation is provided solely to contract for teacher training in identification and prevention of child abuse.

(14) \$4,500,000 of the general fund—state appropriation is provided solely for early intervention and prevention services. Early intervention and prevention services include but are not limited to services provided by school counselors, school psychologists, school nurses, school social workers, licensed mental health professionals, child psychiatrists, appropriate health care providers, and social service caseworkers or social workers on contract. Services may be provided by private contractors. School districts and educational service districts receiving moneys under this subsection shall be required to establish formal agreements for coordinated case management with lead mental health agencies and other public or private social service agencies in the community. The allocations may be used to hire additional staff, to contract for staff or services, or to conduct training related to the district's early intervention and prevention program. The superintendent of public instruction shall distribute funds provided in this subsection equitably to all school districts based on the district's enrollment in kindergarten through grade six. However, the allocations for school districts enrolling fewer than 1,000 full time equivalent students shall be distributed to the educational service district in which the district is located. The educational service district shall use the allocation to provide early intervention and prevention services under a cooperative agreement between the district and the educational service district. Educational service districts shall coordinate the use of staff and resources to serve school districts under this section. School districts and educational service districts may not use the grants to supplant funding from other sources previously provided for counseling or intervention services. Each school district or educational service district that receives a grant under this subsection shall conduct an evaluation of the effectiveness of its intervention program and submit a report to the superintendent of public instruction by June 30, 1991.

(15) \$1,500,000 of the general fund—state appropriation is provided solely for grants to Seattle and Tacoma school districts for magnet school programs established to encourage racial integration of schools through voluntary student transfers. The grants shall be used solely to support the development and implementation of specialized curricula and instructional programs that assist in the elimination, reduction, or prevention of minority group isolation. Placement of students in magnet programs shall not be based on test scores or grades. Grants shall be expended solely for planning and promotional activities; acquisition of books, materials, and equipment needed specifically to implement magnet programs; staff training designed specifically to assist in the development of magnet programs; and certificated staff assigned to instructional programs that are in addition to the school's core basic skills curriculum and that are an integral part of the magnet program. Grants may not be used to supplant other moneys used previously for magnet schools, other than to offset reductions in total federal magnet school grants received by the district. Grants may be used for staff development days only if these days are in addition to district-wide increases in supplemental contract days for certificated instructional staff.

(16) \$250,000 of the general fund—state appropriation is provided solely for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting. The grants may be used for staffing, for coordinating the transfer of records, for transportation, for student assessment, or for other individualized instruction or assistance.

(17) \$1,250,000 of the general fund—state appropriation is provided solely for start-up grants for before- and after-school child care programs for school-age children. A school district may receive a grant under this subsection only if the district has adopted a fee schedule based on the projected costs of services and has submitted to the superintendent of public

instruction an operating plan demonstrating that, after its initial twenty-four months of operation, the program is expected to be fully supported through fees and other local revenues. The grants may be used for establishing new programs or for expanding existing programs, but may not be used for costs incurred more than twenty-four months after the establishment of a before- and after-school program at a particular site. No grant may support more than seventy-five percent of a district's program costs during the initial twenty-four months. The grants may be used for community needs assessments, planning and design of programs, equipment and supplies, capital improvements including portables, and compensation costs, for the first three months of employment only, for employees filling new positions. School districts shall be selected to receive grants based on documented demand for expansion of child care services and, in particular, demand from low-income families.

(18) If state-level administrative costs are necessary to implement subsections (13) through (17) of this section, the superintendent of public instruction shall not expend more than two percent from the moneys provided under subsections (13) through (17) of this section for state-level administrative costs.

Sec. 515. Section 520, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ~~((14,772,000))~~
17,035,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$~~((1,476,000))~~ 1,521,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

Sec. 516. Section 521, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~((70,417,000))~~
71,839,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$~~((5,899,000))~~ 5,847,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

Sec. 517. Section 523, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ 54,463,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,053,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) A school district may be eligible to receive an allocation from this appropriation if the school district's board of directors has:

(a) Assessed the needs of the schools within the district;

(b) Prioritized the identified needs; and

(c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

(a) Prevention and intervention services in the elementary grades;

- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(4)(a) Allocations to eligible school districts for the 1989-90 and 1990-91 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.48.010.

NEW SECTION, Sec. 518. FOR THE STATE BOARD OF EDUCATION

Common School Construction Fund Appropriation \$ 156,430,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for public school building construction.

(2) Funding for common school construction and modernization in fiscal year 1991 is provided for projects for which the voters of a school district have authorized bonds prior to January 1, 1990, as identified in Table 14 of the report of the superintendent of public instruction dated March 28, 1990.

(3) During the 1989-91 biennium, any funding of projects subsequent to the July 1990 priority funding process shall be limited to modernization projects that are ready to proceed to construction prior to June 30, 1991.

**PART VI
HIGHER EDUCATION**

Sec. 601, Section 601, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2)(a) Student Quality Standard: Each institution shall adhere to biennial budgeted enrollment levels. During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus two percent. The amounts include total appropriated general fund—state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.

| | |
|---|----------|
| University of Washington | \$ 9,270 |
| Washington State University | \$ 7,496 |
| Eastern Washington University | \$ 5,495 |
| Central Washington University | \$ 5,610 |
| The Evergreen State College | \$ 6,905 |
| Western Washington University | \$ 5,339 |
| State Board for Community College Education | \$ 3,281 |

(b) Facilities Quality Standard: During the 1989-91 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the general fund—state appropriation and the general fund—local amounts allotted for this purpose.

(3)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 608 and 610 of this act for ~~((faculty, graduate assistants,~~

~~and exempt~~) staff salary increases on January 1, 1990, and January 1, 1991, excluding classified staff salary increases, and are subject to all the limitations contained in this section. ~~((For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.))~~ The amount shown for the state board for community college education may be used for compensation increases pursuant to chapter 135, Laws of 1990.

| | | |
|--|----|---|
| University of Washington | \$ | ((18,348,000)) 18,416,000 |
| Washington State University | \$ | ((9,693,000)) 9,245,000 |
| Eastern Washington University | \$ | ((2,864,000)) 2,836,000 |
| Central Washington University | \$ | ((2,553,000)) 2,409,000 |
| The Evergreen State College | \$ | ((1,210,000)) 1,206,000 |
| Western Washington University | \$ | ((3,435,000)) 3,259,000 |
| State Board for Community College Education | \$ | ((19,753,000)) 20,415,000 |
| Higher Education Coordinating Board | \$ | 66,000 |

(b) ~~For the January 1, 1990, salary increases, the amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase indicated in this subsection, including increments ((listed below on the effective dates indicated.)) For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.~~

~~((Faculty and Exempt Staff))~~

| | January 1, 1990 | ((January 1, 1991)) |
|--|-----------------|--------------------------------|
| University of Washington | 6.1% | ((6.1%)) |
| Washington State University | 6.1% | ((6.1%)) |
| Eastern Washington University | 6.4% | ((6.4%)) |
| Central Washington University | 6.4% | ((6.4%)) |
| The Evergreen State College | 6.4% | ((6.4%)) |
| Western Washington University | 6.4% | ((6.4%)) |
| State Board for Community College Education | 6.2% | ((6.2%)) |
| Exempt staff (all institutions) | 2.5% | ((6.0%)) |
| Higher Education Coordinating Board | 2.5% | ((6.0%)) |

(c) ~~For the January 1, 1991, salary increase, consistent with the office of financial management classification study under this section, the following employee classifications shall receive as a whole, a maximum of the average percentage increase indicated in this subsection: Faculty, academic administrators, academic librarians, and teaching/research assistants.~~

| | January 1, 1991 |
|-------------------------------|-----------------|
| University of Washington | 6.1% |
| Washington State University | 6.1% |
| Eastern Washington University | 6.4% |
| Central Washington University | 6.4% |
| The Evergreen State College | 6.4% |
| Western Washington University | 6.4% |

(d) ~~For the January 1, 1991, salary increase, consistent with the office of financial management classification study under this section, the following employee classifications shall receive as a whole, a maximum of the average percentage increase indicated in this subsection: Four-year counselors, administrators, and other professionals.~~

| | January 1, 1991 |
|-------------------------------|-----------------|
| University of Washington | 6.0% |
| Washington State University | 6.0% |
| Eastern Washington University | 6.0% |
| Central Washington University | 6.0% |
| The Evergreen State College | 6.0% |

| | |
|-------------------------------------|------|
| Western Washington University | 6.0% |
| Higher Education Coordinating Board | 6.0% |

(e) Effective, January 1, 1991, community college faculty and exempt staff shall receive an average 6.2 percent salary increase, including increments. "Community college faculty" includes all community college instructional faculty, librarians, and counselors who are not part of the state classified service system. "Exempt staff" includes all presidents, chancellors, administrative deans, and professional personnel who are exempt from the state classified service system.

(f) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when comparing faculty salaries to other institutions for the purpose of determining salary increase requirements.

((a)) (g) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

((e)) (h) The state board for community college education shall allocate the amounts authorized in this subsection among the community college districts according to policies and guidelines established by the board that may include policies for achieving more equitable salary levels among districts and more equitable salary levels between part-time and full-time faculty.

(4) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

| | |
|--|--------------|
| University of Washington | \$ 4,484,000 |
| Washington State University | \$ 2,950,000 |
| Eastern Washington University | \$ 747,000 |
| Central Washington University | \$ 574,000 |
| The Evergreen State College | \$ 427,000 |
| Western Washington University | \$ 792,000 |
| State Board for Community College Education | \$ 4,011,000 |
| Higher Education Coordinating Board | \$ 35,000 |

(5) The following amounts from the appropriations in sections 602 through 608 of this act are provided solely for student employee salary increases:

| | |
|--|------------|
| University of Washington | \$ 130,000 |
| Washington State University | \$ 73,000 |
| Eastern Washington University | \$ 21,000 |
| Central Washington University | \$ 18,000 |
| The Evergreen State College | \$ 9,000 |
| Western Washington University | \$ 25,000 |
| State Board for Community College Education | \$ 142,000 |

(6) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section, as allocated by the state board for community college education, is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

(7) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. ~~((An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection.))~~ It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session

to reflect the classification system: the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations for the January 1, 1991, increase under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

(8) No institution of higher education may deduct more than fifteen percent for administrative overhead from any amount received for services performed under a contract or interagency agreement with an agency or department of the state without prior approval from the office of financial management. This subsection applies to new or renewed contracts and interagency agreements entered into after June 30, 1990.

Sec. 602, Section 602, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ ~~((629,466,000))~~
633,678,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community college education shall establish compensation guidelines for salary levels of the top administrative position at community colleges. The guidelines should take into account criteria such as institutional size, level of responsibility, experience, and longevity.

~~((3))~~ (2) The enrollment increases funded by this appropriation shall be distributed among all the community college districts based on the weighted percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

~~((4))~~ (3)(a) At least \$400,000 shall be spent on assessment of student outcomes. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

(b) At least \$1,620,000 shall be spent on college-specific assessment of student outcomes. The state board for community college education shall approve college-specific assessment plans before releasing funds to the individual community colleges. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

~~((5))~~ (4) At least \$50,000 shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

~~((6))~~ (5) \$5,430,000 is provided to enhance the institution's appropriation for equipment.

(6) \$1,350,000 is provided solely for deposit in the community college faculty awards trust fund for expenditure pursuant to chapter 29, Laws of 1990.

(7) \$580,000 is provided solely for the pilot projects authorized under section 5(2) of Senate Bill No. 6411. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 603, Section 603, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ ~~((613,671,000))~~
615,849,000
Medical Aid Fund Appropriation \$ 3,518,000
Accident Fund Appropriation \$ 3,517,000
Death Investigations Account Appropriation \$ 957,000
Total Appropriation \$ ~~((621,663,000))~~
623,841,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$6,620,000 of the general fund appropriation shall be spent to begin off-campus upper-division course offerings in Tacoma and Bothell.

(2) The University of Washington shall establish an evening degree credit program. ~~S((391,000))~~ 1,651,000 of the general fund appropriation is provided ~~((to facilitate))~~ solely for this purpose.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$4,587,000 is provided to enhance the institution's appropriation for equipment.

(5) \$250,000 of the general fund appropriation is provided solely for the mathematics, engineering, and science achievement program (MESA) pursuant to Engrossed House Bill No. 2413. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for the Warren G. Magnuson institute trust fund, pursuant to Second Substitute House Bill No. 2443 (Magnuson biomedical institute). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(7) \$100,000 of the general fund appropriation is provided solely for the pacific northwest leadership conference to be conducted by the University of Washington's institute for public policy and management.

Sec. 604. Section 604, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ ~~((337,969,000))~~
337,973,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$2,012,000 shall be spent to expand upper-division and graduate off-campus course offerings.

(2) Washington State University shall continue funding three faculty positions associated with Tri-Cities diversification.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$1,237,000 is provided to enhance the institution's appropriation for equipment.

(5) \$300,000 is provided solely for implementing programs for gender equity in athletics.

(6) \$337,000 is provided solely for the instructional programs at the Tri-Cities branch campus.

Sec. 605. Section 605, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((92,656,000))~~
92,744,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$516,000 is provided to enhance the institution's appropriation for equipment.

Sec. 606. Section 606, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((78,366,000))~~
78,666,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$599,000 shall be spent to provide upper-division courses in Yakima.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$316,000 is provided to enhance the institution's appropriation for equipment.

(5) \$560,000 is provided solely for the purchase of a twin-engine flight simulator. Any additional cost shall be paid by private donations.

Sec. 607. Section 607, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ ~~((48,375,000))~~
49,005,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$377,000 is provided to enhance the institution's appropriation for equipment.

(4) \$315,000 is provided to the Washington state institute for public policy at The Evergreen State College for the purpose of beginning a research and evaluation effort to examine the effectiveness of sex offender and victims' programs, including treatment, pursuant to chapter 3, Laws of 1990. The institute may allocate moneys to research projects to assist the research and evaluation. Decisions regarding the allocation of moneys shall be made in consultation with an advisory panel. The advisory panel shall establish criteria to ensure that the funded projects

meet the highest standards of methodological rigor and will be of value to state policy makers. In order to provide timely information to policy makers, a portion of the projects shall cover retrospective studies and another portion shall involve the design of longitudinal studies. The institute shall consider applicants from for-profit and nonprofit organizations in addition to public universities and colleges in making awards under this subsection. The advisory panel shall consist of:

(a) Three academicians from state public and private universities, to be selected by the institute's board of directors;

(b) The secretary of corrections or the secretary's designee;

(c) One legislator appointed by the majority leader of the senate and one legislator appointed by the speaker of the house of representatives;

(d) A representative of crime victims, to be appointed by the governor; and

(e) The research director of the sentencing guidelines commission.

The institute shall submit a report to the appropriate fiscal and policy committees of the legislature by November 1, 1990, on the retrospective study portion of the research and submit a progress report on the evaluation effort and longitudinal study design.

(5) \$140,000 is provided solely for the study "Special Sex Offender Sentencing Alternative: A Study of Recidivism and Community Attitudes" to be conducted by the Washington institute of public policy through the Harborview Medical Center's special assault center and its subcontractors in satisfaction of the requirement in RCW 9.94A.124 to study the effectiveness of the special sexual sentencing standard.

Sec. 608. Section 608, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

| | | |
|----------------------------------|----|----------------------------|
| General Fund Appropriation | \$ | ((102,936,000)) |
| | | 102,760,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$805,000 is provided to enhance the institution's appropriation for equipment.

Sec. 609. Section 610, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | ((58,248,000)) |
| | | 63,587,300 |
| General Fund Appropriation—Federal | \$ | 4,152,000 |
| State Educational Grant Account Appropriation | \$ | 40,000 |
| Total Appropriation | \$ | ((62,440,000)) |
| | | 67,779,300 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$53,943,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:

(a) At least \$18,100,000 shall be expended for work study grants;

(b) \$31,609,000 of the general fund—state appropriation is provided solely for the state need grant program. The need grant award to any individual shall not exceed the amount received by a student attending a state research university;

(c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses;

(d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers;

(e) \$500,000 is provided solely for the educational opportunity grant program;

(f) \$100,000 is provided solely for a community scholarship demonstration project to make matching awards of \$2,000 to community scholarship foundations that:

(i) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;

(ii) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and

(iii) Have not previously received a matching award from the amount provided in this subsection (1)(f).

(2) \$70,000 of the general fund—state appropriation is provided solely for the rural physician and midwife scholarship program as prescribed in Second Substitute Senate Bill No. 6418. \$20,000 of this amount is for program administration. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(3) \$71,300 of the general fund—state appropriation is provided solely for the development of a state plan for nursing education under section 713, chapter 9, Laws of 1989 1st sess.

(4) \$321,000 of the general fund—state appropriation is provided solely for the summer motivation and academic residential training program (SMART). This demonstration project shall include an analysis of the subsequent high school performance of former participants, including their grades, attendance, and graduation rates.

(5) \$3,000,000 of the general fund—state appropriation is provided for transfer to the Washington distinguished professorship trust fund.

(a) For the biennium ending June 30, 1991, all appropriations to the Washington distinguished professorship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts for distinguished professorships have been deposited pursuant to RCW 28B.10.866 through 28B.10.874:

(i) \$1,250,000 of the appropriation for the University of Washington;

(ii) \$750,000 of the appropriation for Washington State University; and

(iii) \$1,000,000 of the appropriation divided among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College. An institution of higher education is not eligible for any funds under this subsection (iii) until the institution has requested designation of the funds guaranteed to the institution under section 4, chapter 125, Laws of 1988.

(b) As of June 30, 1991, if any funds reserved in subsection (2)(a) of this section have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the professorships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(6) \$1,500,000 of the general fund—state appropriation is provided solely for transfer to the Washington graduate fellowship trust fund.

(a) For the biennium ending June 30, 1991, all appropriations to the Washington graduate fellowship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at the time qualifying gifts for graduate fellows have been deposited:

(i) \$900,000 of the appropriation for the University of Washington;

(ii) \$450,000 of the appropriation for Washington State University;

(iii) \$150,000 of the appropriation divided equally among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College.

(b) As of June 30, 1991, if any funds reserved in (a) of this subsection have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the graduate student fellowships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(7) \$250,000 of the general fund—state appropriation is provided solely for deposit into the American Indian endowed scholarship trust fund, pursuant to Engrossed Substitute House Bill No. 2831. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(8) The higher education coordinating board shall, by November 1, 1990, complete an analysis of higher education salary levels, including comparisons with peer institutions, for the employee groups defined in the office of financial management employee classification system, except for classified staff and students.

(9) The higher education coordinating board shall include in its tuition and financial aid recommendations for 1991, recommendations regarding tuition waiver and fee reduction programs. The recommendations shall give special consideration to maximizing the amount of waivers that are granted on the basis of financial need.

(10) \$20,000 of the general fund—state appropriation is provided solely for the publication and distribution of a resource guide to assist single parents in higher education. The resource guide shall include, but not be limited to, information on:

(a) Sources of financial assistance, with application deadlines;

(b) Educational opportunities;

(c) Ways to acquire information on career options;

(d) Admissions requirements, including application deadlines;

(e) Opportunities for basic skills and remediation classes;

(f) Educational costs and benefits; and

(g) Sources of support services.

(11) \$32,000 of the general fund—state appropriation is provided solely for a Pacific rim language scholarship program demonstration project. Under the project, the higher education coordinating board shall select up to four high school seniors from each congressional district to receive a Washington state Pacific rim scholarship. Of the four students selected, one shall be

a proficient speaker of Spanish, one of Russian, one of Japanese, and one of Chinese, and all shall have shown the most improvement in their ability to speak the language during their high school careers. The scholarships shall not exceed one thousand dollars per student which shall not be disbursed until the student is enrolled at a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

NEW SECTION. Sec. 610. The sum of \$50,000, or as much thereof as may be necessary, is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1991, solely for the establishment of a Washington state writing demonstration project to be administered by the board or its designee. Under the project, proposals shall be competitively selected which enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools.

NEW SECTION. Sec. 611. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY
 1991 Applied Technology Reserve Account Appropriation \$ 1,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 1, 1990, the Washington institute of applied technology shall have in place a budget and program-based enrollment plan for the remainder of the 1989-91 biennium that has been approved by the office of financial management.

(2) The office of financial management shall monitor the financial status of the institute and report quarterly to the budget committees of the house of representatives and the senate.

(3) By July 15, 1990, the institute shall complete a specific plan leading to an application by September 1, 1990, for accreditation to the superintendent of public instruction and the national association of trade and technical schools, and shall review the plan with representatives from both of these organizations.

(4) By July 15, 1990, the institute's board of directors shall adopt an updated mission statement.

(5) By September 1, 1990, all of the institute's instructors are required to be certified by either the superintendent of public instruction or the state board for community college education.

(6) By September 1, 1990, the institute shall publish a catalog describing its mission, services, programs, and courses.

(7) On September 15, 1990, and on January 15, 1991, the institute shall report to the state board for vocational education on the status of each of the requirements contained in subsections (1) through (6) of this section. The reports shall also describe the status of implementing recommendations contained in the January 1990 study of the institute prepared by the state board for vocational education.

Sec. 612. Section 614, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

| | |
|---|--|
| FOR WASHINGTON STATE LIBRARY | |
| General Fund Appropriation—State | \$ ((11,013,000)) 12,554,000 |
| General Fund Appropriation—Federal | \$ 4,620,000 |
| General Fund Appropriation—Private/Local | \$ 112,000 |
| Western Network Computer System Revolving Fund Approp- riation—Private/Local | \$ 14,073,000 |
| Total Appropriation | \$ ((29,010,000)) 31,359,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

(2) \$50,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 6764 (learn-in-libraries grant program). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 613. Section 618, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

| | |
|---|--|
| FOR THE STATE CAPITOL HISTORICAL ASSOCIATION | |
| General Fund Appropriation | \$ ((873,000)) 973,000 |
| State Capitol Historical Association Museum Account Appropriation | \$ 119,000 |
| Total Appropriation | \$ ((992,000)) 1,092,000 |

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund appropriation is provided solely for the continuation of a technical assistance program for local heritage organizations.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

| | | |
|---|----|---|
| General Fund Appropriation for fire insurance premiums tax distribution | \$ | ((5,239,000)) 4,300,000 |
| General Fund Appropriation for public utility district excise tax distribution | \$ | ((22,854,000)) 23,700,000 |
| General Fund Appropriation for prosecuting attorneys' salaries | \$ | 2,277,000 |
| General Fund Appropriation for motor vehicle excise tax distribution | \$ | ((68,719,000)) 70,000,000 |
| General Fund Appropriation for local mass transit assistance | \$ | ((208,213,000)) 215,000,000 |
| General Fund Appropriation for camper and travel trailer excise tax distribution | \$ | ((2,600,000)) 2,200,000 |
| <u>General Fund Appropriation for Boating Safety/Education and Law Enforcement Distribution</u> | \$ | 1,100,000 |
| Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution | \$ | ((80,000)) 90,000 |
| Liquor Excise Tax Fund Appropriation for liquor excise tax distribution | \$ | ((18,667,000)) 19,900,000 |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution | \$ | ((290,025,000)) 316,000,000 |
| Liquor Revolving Fund Appropriation for liquor profits distribution | \$ | ((41,250,000)) 48,750,000 |
| Timber Tax Distribution Account Appropriation for distribution to "Timber" counties | \$ | ((57,544,000)) 96,200,000 |
| Municipal Sales and Use Tax Equalization Account Appropriation | \$ | ((37,002,000)) 37,200,000 |
| County Sales and Use Tax Equalization Account Appropriation | \$ | ((12,695,000)) 12,800,000 |
| Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies | \$ | ((636,000)) 736,000 |
| Total Appropriation | \$ | ((767,801,000)) 850,253,000 |

Sec. 702. Section 702, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

| | | |
|---|---------------|--|
| Forest Reserve Fund Appropriation for federal forest reserve fund distribution | \$ | ((70,000,000)) 100,000,000 |
| General Fund Appropriation for federal flood control funds distribution | \$ | 70,000 |
| General Fund Appropriation for federal grazing fees distribution | \$ | 50,000 |
| ((Geothermal Account Appropriation—Federal | \$ | 20,000)) |
| General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 | \$ | 720,000 |
| Total Appropriation | \$ | ((70,860,000)) 100,840,000 |

NEW SECTION. Sec. 703. FOR THE GOVERNOR—SELF-INSURANCE FUND PREMIUMS

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 5,229,000 |
| Agency Self-Insurance Liability Premium Revolving Fund Appropriation | \$ | 4,271,000 |
| Total Appropriation | \$ | 9,500,000 |

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of self-insurance fund premiums from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the agency self-insurance liability premium revolving fund, hereby created, in accordance with schedules provided by the

office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay self-insurance fund premiums due.

NEW SECTION. Sec. 704. FOR THE GOVERNOR—FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

| | | |
|--|----|------------|
| General Fund Appropriation | \$ | 9,391,000 |
| Motor Vehicle Fund Appropriation | \$ | 3,963,000 |
| Wildlife Fund Appropriation | \$ | 242,000 |
| Accident Fund Appropriation | \$ | 348,000 |
| Horse Racing Fund Appropriation | \$ | 225,000 |
| Liquor Revolving Fund Appropriation | \$ | 104,000 |
| Resource Management Cost Account Appropriation | \$ | 82,000 |
| Total Appropriation | \$ | 14,355,000 |

Sec. 705. Section 708, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

| | | |
|----------------------------|----|-----------|
| General Fund Appropriation | \$ | 2,000,000 |
|----------------------------|----|-----------|

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) Any loan extended prior to January 1, 1990, from the governor's emergency fund to a city incorporated prior to March 1, 1990, shall be forgiven.

Sec. 706. Section 712, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

| | | |
|---|----|---------------|
| Medical Disciplinary Account | \$ | 520 |
| Institutional Impact Account | \$ | ((26,153)) |
| | | <u>28,188</u> |
| ORV (Off-Road-Vehicle) Account | \$ | 23 |
| Hospital Commission Account | \$ | 15,224 |
| Centennial Commission Account | \$ | 940 |
| Public Safety and Education Account | \$ | 1,151 |
| Health Professions Account | \$ | ((734)) |
| | | 679 |
| Forest Development Account | \$ | 6,122 |
| Real Estate Commission Account | \$ | 1,614 |
| Reclamation Revolving Account | \$ | ((103)) |
| | | <u>207</u> |
| Landowner Contingency Forest Fire Suppression Account | \$ | 600 |
| Capitol Building Construction Account | \$ | 40,251 |
| Resource Management Cost Account | \$ | 9,295 |
| Litter Control Account | \$ | 34,305 |
| State Building Construction Account | \$ | 35 |
| Outdoor Recreation Account | \$ | 1,958 |
| Local Governance Study Commission Account | \$ | 42 |
| Grade Crossing Protective Fund | \$ | 1,029 |
| State Patrol Highway Account | \$ | 25,745 |
| Motorcycle Safety Education Fund | \$ | 266 |
| Fire Service Training Account | \$ | 447 |
| Seed Fund | \$ | 3,023 |
| Electrical License Fund | \$ | 724 |
| State Wildlife Fund | \$ | ((20,500)) |
| | | <u>22,400</u> |
| Highway Safety Fund | \$ | 7,774 |
| Motor Vehicle Fund | \$ | ((14,046)) |
| | | <u>13,733</u> |
| Puget Sound Ferry Operations Account | \$ | 12 |
| Public Service Revolving Fund | \$ | ((6,042)) |
| | | <u>6,104</u> |
| Insurance Commissioner's Regulatory Account | \$ | 1,910 |
| State Treasurer's Service Fund | \$ | 1,053 |
| Legal Services Revolving Fund | \$ | 2,557 |

| | | |
|--|----|--------------------|
| Municipal Revolving Fund | \$ | 5,671 |
| Department of Personnel Service Fund | \$ | (6,472) |
| | | <u>7,120</u> |
| State Auditing Services Revolving Fund | \$ | 1,240 |
| Liquor Revolving Fund | \$ | 15,445 |
| Department of Retirement Systems Expense Fund | \$ | 2,982 |
| Accident Fund | \$ | 62,964 |
| Medical Aid Fund | \$ | 57,948 |
| Western Library Network Computer System Revolving Fund | \$ | 460 |
| Pressure Systems Safety Fund | \$ | 32 |

NEW SECTION, Sec. 707. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

- (1) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:
 - (a) John Clees, Carlton, Washington
 - (b) Harold Weber, Grand Coulee, Washington
 - (c) James Fleishman, Chinook, Washington
- (2) Juanita Mullen, Lori O'Grady, Lawra C. Hill-Hodges, and Sandra Colvin, in settlement of all claims per order of Thurston County Superior Court, Cause No. 87-2-02413-7: PROVIDED, That \$434,382.00 is from federal funds
- (3) Office of Thurston County Prosecutor, in settlement of all claims for expenses incurred under the institutional impact program
- (4) R. Frederickson, in settlement of all claims per order of Seattle Municipal court, Cause No. 88-183-0175, pursuant to RCW 9A.16.110, including interest
- (5) Mervin Ledford, in settlement of all claims per order of Snohomish County Superior Court, Cause No. 87-1-01087-7, pursuant to RCW 9A.16.110, including interest
- (6) M. Bartholomew, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest
- (7) Robert Hurtado, in settlement of all claims per order of Douglas County Superior Court, Cause No. 89-1-00014-1, pursuant to RCW 9A.16.110, including interest
- (8) Robert Carey, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest
- (9) Tom Peters, in settlement of all claims per order of Longview Municipal Court, Cause No. 51656, pursuant to RCW 9A.16.110, including interest
- (10) Maurilio Martinez, in settlement of all claims per Yakima County Superior Court, Cause No. 89-1-00515-3, pursuant to RCW 9A.16.110, including interest
- (11) Jacques Gauron, in settlement of all claims per Renton District Court, King County, Cause No. J022378, pursuant to RCW 9A.16.110, including interest
- (12) Robert Joswick, in settlement of all claims per Buckley District Court, Pierce County, Cause No. 77334, pursuant to RCW 9A.16.110, including interest
- (13) Halpin's Pharmacy, Spokane, in settlement of medical assistance billings during the 1987-89 biennium: PROVIDED, That \$12,696 is from federal funds

Sec. 708. Section 714, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

| | | |
|--|----|-------------------------|
| General Fund Appropriation—State | \$ | (65,000,000) |
| | | <u>75,449,000</u> |
| General Fund Appropriation—Federal | \$ | (26,015,000) |
| | | <u>24,009,000</u> |
| Special Fund Salary and Insurance Contribution | | |
| Increase Revolving Fund Appropriation | \$ | (47,638,000) |
| | | <u>63,676,000</u> |

| | | |
|---|----|--------------------|
| Wildlife Fund Appropriation—State | \$ | 1,285,000 |
| Insurance Commissioner's Regulatory Account Appropriation | \$ | 215,000 |
| Total Appropriation | \$ | ((132,733,000)) |
| | | <u>164,634,000</u> |

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$40,060,000 of the general fund—state appropriation, \$13,311,000 of the general fund—federal appropriation, and \$31,888,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board (SPB), and commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989-91 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee for fiscal year 1990, and \$246.24 for fiscal year 1991.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$16.21 per eligible employee for fiscal year 1990, and \$9.83 for fiscal year 1991.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989-91 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(4) \$285,000 of the general fund—state appropriation and \$1,285,000 of the wildlife fund—state appropriation are provided solely to fund personnel reclassifications for biologists, enforcement personnel, and program managers in the department of wildlife. Expenditure of \$48,000 from the general fund—state appropriation and \$104,000 from the wildlife fund appropriation is contingent on state personnel board approval of the program manager reclassification.

(5) \$481,000 of the general fund—state appropriation is provided solely to fund personnel reclassifications for biologists and related job classes in the department of fisheries. Expenditure of this amount is contingent on state personnel board approval of the reclassifications.

(6) \$5,000,000 of the general fund—state appropriation and \$9,450,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for salary increases effective January 1, 1991, for classified personnel under the state personnel board and under the higher education personnel board.

The amounts provided shall be used for increases for those employees furthest from prevailing rate as determined by the 1988 trend salary survey findings. Increases may be granted only in whole-range increments. To implement these increases, those employees furthest from prevailing rate shall be given a one-range increase. This process shall be repeated until this appropriation is expended or all employee salaries are moved to within twenty percent of prevailing rate, whichever comes first.

The findings of the 1988 salary survey (catch-up plus keep-up), expressed as the number of ranges behind prevailing rate, shall be used to determine which employees are furthest from prevailing rate. In determining salary increases under this subsection, the number of ranges behind prevailing rate shall be the same as the survey findings as originally adopted by the state personnel board and higher education personnel board, unless a job reclassification has been approved after June 1, 1988. If a reclassification has been approved, the number of ranges behind prevailing rate shall be adjusted based on the change resulting from the reclassification.

Calculations for determining the increases granted in this subsection shall be made subsequent to the calculations for the general salary increases granted in subsection (1) of this section. The general salary increases granted in subsection (1) of this section, and on January 1,

1989, shall not be considered to have reduced the number of ranges between employee salaries and prevailing rate as shown in the findings of the 1988 survey.

In no case may this appropriation be used to close the salary gap to less than twenty percent of prevailing rate. None of these funds may be used to grant salary increases to the attendant counselor job classifications granted salary increases under subsection (8) of this section.

(7) \$1,455,000 of the general fund—state appropriation, \$395,000 of the general fund—federal appropriation, and \$40,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely to add five steps beyond step K to the salary schedule for registered nurses and related classifications, effective October 1, 1990. Each of the steps shall be two and one-half percent. Expenditure of these amounts is contingent on approval by the state personnel board of the additional steps. These amounts shall be allocated as follows:

(a) \$86,000 from the general fund—state appropriation to the department of corrections;

(b) \$17,000 from the general fund—state appropriation to the department of health;

(c) \$40,000 from the general fund—state appropriation, \$40,000 from the general fund—federal appropriation, and \$40,000 from the special fund salary and insurance contribution increase revolving fund appropriation to the department of veterans' affairs; and

(d) \$1,312,000 from the general fund—state appropriation and \$355,000 from the general fund—federal appropriation to the department of social and health services.

(8) \$3,093,000 of the general fund—state appropriation and \$3,599,000 of the general fund—federal appropriation are provided solely for salary increases for attendant care counselors in the developmental disabilities program. These increases shall be implemented in two phases of the following amounts: Phase one—\$1,816,000 general fund—state and \$2,101,000 general fund—federal; and phase two—\$1,277,000 general fund—state and \$1,498,000 general fund—federal.

(9) \$215,000 of the insurance commissioner's regulatory account appropriation is provided solely to fund personnel reclassifications for compliance officers, analysts, and actuaries in the office of the insurance commissioner.

(10) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

((5)) (11) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

((6)) (12) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

((7) Moneys from the) (13) \$4,470,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers in accordance with the 1989-91 transportation appropriations act.

Sec. 709, Section 715, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

| | FY 1990 | FY 1991 |
|----------------------------------|-------------------|-------------------|
| General Fund Appropriation | \$ 63,000,000 | ((62,167,000)) |
| | | <u>3,300,000</u> |
| Total Appropriation | \$((125,167,000)) | <u>66,300,000</u> |

((The appropriation in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse.))

(2) There is appropriated for contributions to the judicial retirement system:

| | FY 1990 | FY 1991 |
|----------------------------------|------------------|------------------|
| General Fund Appropriation | \$ ((1,100,000 | 1,100,000)) |
| | <u>2,400,000</u> | <u>2,500,000</u> |
| Total Appropriation | \$((2,200,000)) | <u>4,900,000</u> |

(3) There is appropriated for contributions to the judges retirement system:

| FY 1990 | FY 1991 |
|---------|---------|
|---------|---------|

| | | | |
|----------------------------------|----|-----------|---------|
| General Fund Appropriation | \$ | 250,000 | 250,000 |
| Total Appropriation | | \$500,000 | |

(4) (~~If Substitute Senate Bill No. 5418 is enacted by June 30, 1989,~~) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. ((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989.))

(5) (~~If Substitute Senate Bill No. 5418 is enacted by June 30, 1989,~~) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. ((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989.))

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation ((for the 1989-91 biennium)) beginning July 1, 1989, and 21.47% of compensation beginning September 1, 1990.

Sec. 710. Section 716, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

| | | FY 1990 | FY 1991 |
|---|----|---------------------------|--------------------------|
| General Fund—State Appropriation | \$ | 2,334,000 | ((9,203,000)) |
| | | | <u>9,313,000</u> |
| General Fund—Federal Appropriation | \$ | 480,000 | 2,012,000 |
| State Patrol Highway Account | \$ | | 448,000 |
| Retirement Contribution Increase Revolving Fund | | | |
| Appropriation | \$ | 1,954,000 | 9,494,000 |
| Total Appropriation | | \$(25,557,000) | <u>26,035,000</u> |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$231,000 of the general fund—state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute House Bill No. 1322. (~~If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~)

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute Senate Bill No. 5418. (~~If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~)

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. (~~If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~)

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. (~~If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~)

(6) \$30,000 of the general fund—state appropriation and \$448,000 of the state patrol highway account appropriation or as much thereof as may be necessary, shall be distributed to state agencies for increased contributions to the Washington state patrol retirement system under chapter 273, Laws of 1989.

Sec. 711. Section 718, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

| | | |
|--|----|---------|
| General Fund Appropriation: For transfer to the Institutional Impact Account | \$ | 332,536 |
|--|----|---------|

| | | |
|---|----|---|
| <u>General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u> | \$ | 796,539 |
| <u>Liquor Revolving Account Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u> | \$ | 160,000 |
| General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned | \$ | 10,000,000 |
| General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account | \$ | 15,378,000 |
| Data Processing Revolving Account: For transfer to the General Fund | \$ | 2,400,000 |
| Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund | \$ | ((3,110,000)) 2,400,000 |
| <u>Public Facility Construction Loan Revolving Account: For transfer to the Public Facilities Construction Loan and Grant Revolving Account</u> | \$ | 430,000 |
| <u>Public Facilities Construction Loan and Grant Revolving Account: For transfer to the Economic Development Finance Authority Account contingent on an equal amount being transferred from the Public Facility Construction Loan Revolving Account to the Public Facilities Construction Loan and Grant Revolving Account. If the transfer to the Public Facilities Construction Loan and Grant Revolving Account does not occur, the transfer to the Economic Development Finance Authority Account shall not occur</u> | \$ | 430,000 |
| Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991 | \$ | 1,353,000 |
| Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991 | \$ | 14,000,000 |
| Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account | \$ | 15,000,000 |
| <u>Resource Management Cost Account: For transfer to the Agricultural College Permanent Account, the Normal School Permanent Account, and the University of Washington Bond Retirement Account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources</u> | \$ | 20,000,000 |
| Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit | \$ | 15,800,000 |
| Building Code Council Account Appropriation: For transfer to the general fund | \$ | 210,000 |
| General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse | \$ | ((62,167,000)) 60,267,000 |
| Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account | \$ | ((364,000)) 2,832,000 |

PART VIII
MISCELLANEOUS

NEW SECTION. Sec. 801. This act is subject to the provisions, definitions, conditions, and limitations of chapter 19, Laws of 1989 1st ex. sess., as amended by this act.

Sec. 802. Section 7, chapter 40, Laws of 1982 1st ex. sess. as amended by section 4, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.070 are each amended to read as follows:

(1) Public facilities loans and grants, when authorized by the board, are subject to the following conditions:

(a) The moneys in the public facilities construction loan revolving ~~((account))~~ fund shall be used solely to fulfill commitments arising from loans or grants authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by

the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the ((account)) fund. The total amount of outstanding loans and grants in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding loans and grants disbursed by the board.

(b) Financial assistance through the loans or grants may be used directly or indirectly for any facility for public purposes, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities.

(c) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans as the board determines. The loans shall not exceed twenty years in duration.

(d) Repayments of loans made under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving ((account)) fund.

(2) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

NEW SECTION. Sec. 803. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 804. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 43.160.070; amending sections 101, 102, 103, 105, 108, 110, 111, 112, 114, 115, 116, 117, 120, 122, 123, 125, 130, 131, 132, 137, 139, 140, 144, 146, 147, 148, 149, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 224, 225, 227, 228, 231, 233, 301, 304, 306, 307, 308, 309, 313, 314, 315, 317, 318, 319, 401, 402, 501, 502, 503, 504, 505, 507, 508, 510, 513, 515, 516, 517, 518, 520, 521, 523, 601, 602, 603, 604, 605, 606, 607, 608, 610, 614, 618, 701, 702, 708, 712, 714, 715, 716, and 718, chapter 19, Laws of 1989 1st ex. sess.; amending section 14, chapter 10, Laws of 1989 1st ex. sess.; amending sections 407, 409, 414, and 419, chapter 271, Laws of 1989; adding a new section to chapter 6, Laws of 1989 1st ex. sess.; creating new sections; repealing section 236, chapter 19, Laws of 1989 1st ex. sess.; making appropriations; and declaring an emergency."

Signed by Senators McDonald, Cantu, Gaspard; Representatives Locke, Ebersole, Silver.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 6407 was adopted and the committee was granted the powers of Free Conference.

MESSAGES FROM THE HOUSE

April 1, 1990

Mr. President:

The Speaker has signed:

SENATE BILL NO. 6091,

SENATE BILL NO. 6906,

SENATE CONCURRENT RESOLUTION NO. 8444, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 2230, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 3035, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The House has passed SENATE BILL NO. 6344, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The House concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 4446 and adopted the concurrent resolution as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MOTION

At 1:36 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 1:39 a.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2230.
SUBSTITUTE HOUSE BILL NO. 3035.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6412.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8448.

MOTION

At 1:40 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:12 a.m. by President Pritchard.

MOTION

On motion of Senator Anderson, Senator Patterson was excused.

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6407 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 6407

Adopting the supplemental operating budget.

March 31, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the

request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and request for Free Conference on Substitute Senate Bill No. 6407, read in earlier today.)

Signed by Senators McDonald, Cantu, Gaspard; Representatives Locke, Ebersole, Silver.

MOTION

Senator Newhouse moved that the Report of the Free Conference Committee on Substitute Senate Bill No. 6407 be adopted.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Free Conference Committee on Substitute Senate Bill No. 6407.

The motion by Senator Newhouse carried and the Report of the Free Conference Committee on Substitute Senate Bill No. 6407 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6407, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6407, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 43.

Voting nay: Senators Hansen, Metcalf, Sutherland, Wojahn - 4.

Excused: Senators Matson, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 6407, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

April 1, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6412,

SENATE CONCURRENT RESOLUTION NO. 8448, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2929, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2964,

HOUSE CONCURRENT RESOLUTION NO. 4446, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6114, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 2964,
 HOUSE CONCURRENT RESOLUTION NO. 4446.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 6407.

SIGNED BY THE PRESIDENT

The President signed:
 ENGROSSED SENATE BILL NO. 6114.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 6344.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 2929.

MOTION

At 2:21 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 2:46 a.m. by President Pritchard.

MESSAGES FROM THE HOUSE

April 1, 1990

Mr. President:

The Speaker has signed SENATE BILL NO. 6344, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The Speaker has signed SENATE BILL NO. 6114, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1990

Mr. President:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6407, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4447 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4447 by Representatives Ebersole and Ballard

Adjourning the legislature Sine Die.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4447 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4447 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The House has passed SENATE BILL NO. 6910 with the following amendment:
On page 1, line 4, after "million" insert "five hundred thousand".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion on Senator Newhouse, the Senate refuses to concur in the House amendment to Senate Bill No. 6910 and asks the House to recede therefrom.

At 2:47 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 2:51 a.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 1, 1990

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4447, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4447.

MOTION

On motion of Senator Newhouse, the Senate Journal for the twenty-fourth day of the 1990 First Special Session of the Fifty-first Legislature was approved.

MOTION

At 2:53 a.m., on motion of Senator Newhouse, the 1990 First Special Session of the Fifty-first Legislature adjourned SINE DIE.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SENATE JOURNAL

—1990—

SECOND SPECIAL SESSION

FIFTY-FIRST LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened June 5, 1990

Adjourned Sine Die June 5, 1990

Compiled, Edited and Indexed by
GORDON A. GOLOB, *Secretary of the Senate*



MARY WILEY
Minute and Journal Clerk

JOEL PRITCHARD, *President of the Senate*
ALAN BLUECHEL, *President Pro Tempore*
ELLEN CRASWELL, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

REPUBLICAN CAUCUS

Minority LeaderJEANNETTE HAYNER
Caucus ChairGEORGE L. SELLAR
Majority Floor LeaderIRV NEWHOUSE
Majority Whip.....ANN ANDERSON
Deputy Majority LeaderEMILIO CANTU
Caucus Vice ChairSTANLEY C. JOHNSON
Majority Asst. Floor Leader.....GARY A. NELSON
Majority Assistant WhipLINDA A. SMITH

DEMOCRATIC CAUCUS

Democratic LeaderLARRY L. VOGNILD
Caucus ChairFRANK J. WARNKE
Democratic Floor LeaderALBERT BAUER
Caucus Vice Chair.....R. LORRAINE WOJAHN
Democratic Assistant Floor LeaderNITA RINEHART
Democratic WhipRICK S. BENDER
Democratic Assistant WhipPATRICK R. McMULLEN

Secretary of the Senate.....GORDON A. GOLOB
Deputy SecretaryW. D. "NATE" NAISMITH
Sergeant at Arms.....GEORGE LaPOLD
Secretary to the SecretaryMYRNA BEEBE
ReaderVIC YELLE
Minute and Journal ClerkMARY WILEY

**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1990 SECOND SPECIAL SESSION
FIFTY-FIRST LEGISLATURE**

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 5, 1990

The Senate was called to order at 11:00 a.m. by Lieutenant Governor Joel Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, DeJarnatt, Metcalf and Wojahn. On motion of Senator Anderson, Senators Bluechel and Metcalf were excused. On motion of Senator Bender, Senators DeJarnatt and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Senate staff members Carol Albers and Bob Lee, presented the Colors. The Reverend Doctor Walter Pulliam, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable,
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

I have attached a full, true and correct copy of Proclamation No. 90-06 of the Governor calling a special session of the Washington State Legislature to be convened at 11:00 a.m. on June 5, 1990.

IN TESTIMONY WHEREOF, I have hereunto
set my hand, and affixed the Seal of the state
of Washington at Olympia, this 5th day of
June, 1990.

(Seal)

RALPH MUNRO, Secretary of State

**PROCLAMATION
BY THE GOVERNOR
NO. 90-06**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1990 First Special Session adjourned April 1, 1990, without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Second Special Session for the purpose of adequately addressing matters related to local government financing of criminal justice;

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the state of Washington on Tuesday, the fifth day of June, 1990, at 11:00 a.m.

IN WITNESS WHEREOF, I have hereunto
set my hand and caused the Seal of the state
of Washington to be affixed at Olympia, this
24th day of May, A.D., nineteen hundred and
ninety.

BOOTH GARDNER, Governor of Washington

(Seal)

By the Governor:
Ralph Munro, Secretary of State.

There being no objection, the President reverted the Senate to the second order of business.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

May 18, 1990

Mr. Gordon A. Golob
Secretary of the Senate
Washington State Senate
Olympia, Washington 98504

Dear Secretary Golob:

Enclosed please find a report on the availability of federal Medicaid reimbursement for services provided by free-standing evaluation and treatment facilities. This report was required by Chapter 205, Laws of 1989.

If you have any questions on this report, please feel free to call my office.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
Insurance Building
Olympia, Washington 98504

June 1, 1990

Mr. Gordon A. Golob
Secretary of the Senate
Washington State Senate
Olympia, Washington 98504

Dear Secretary Golob:

In accordance with Governor Gardner's partial veto message for Engrossed Substitute House Bill No. 1737, section 8, the Office of Financial Management has completed a report on the Public Safety and Education Account for your review and consideration.

Please contact Keith Long, Program Coordinator (753-1751), if you or your staff have any questions.

Sincerely,
LEN McCOMB
Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6913 by Senators Hayner, Vognild and Patrick (by request of Governor Gardner)

AN ACT Relating to local government; amending RCW 82.14.050, 82.14.060, 43.84.090, 43.84.092, 63.29.190, 46.16.216, 46.20.270, 84.52.054, 17.28.100, 17.28.252, 35.58.090, 35.58.116, 35.61.210, 36.58.150, 36.60.040, 36.68.480, 36.69.140, 36.83.030, 56.04.050, 57.04.050, 67.38.130, 70.44.060, 70.94.091, 84.52.010, 84.52.043, 84.52.052, 84.52.053, 84.52.056, 84.69.020, 43.135-.060, 82.44.110, 82.14.210, 42.17.310, and 81.---.--- (section 43, chapter 43, Laws of 1990);

reenacting and amending RCW 36.68.520; adding a new section to chapter 82.44 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 63.29 RCW; adding a new section to chapter 84.52 RCW; repealing RCW 29.30.111, 36.68.525, 36.69.145, and 84.52.069; creating new sections; making appropriations; providing expiration dates; providing effective dates; providing a contingent effective date; and declaring an emergency.

HOLD.

SJR 8241 by Senators Hayner, Vognild and Patrick (by request of Governor Gardner)

Authorizing six-year property tax levies.

HOLD.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6913 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the rules were suspended, Senate Joint Resolution No. 8241 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President returned the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 2, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 2, 1990, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 6624

Relating to administration of the family independence program.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

April 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 5, 1990, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 6091

Relating to the budget stabilization account.

Senate Bill No. 6344

Relating to regional support networks.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

April 13, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 13, 1990, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 6906

Relating to making minor adjustments to Chapter 3, Laws of 1990.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

April 23, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on April 21, 1990, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 6412

Relating to funding for the acquisition and development of land for wildlife conservation and outdoor recreation.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bills which have been vetoed by the Governor, together with the official veto messages of the Governor setting forth his objections to the bills as required by Article III, section 12, of the Washington State Constitution:

Senate Bill No. 6114

*Senate Bill No. 6253

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this fifth day of June, 1990.

(Seal)

RALPH MUNRO, Secretary of State

*EDITOR'S NOTE: The Governor's Message on the veto of Senate Bill No. 6253 was read in on the twenty-fourth day of the First Special Session April 1, 1990.

MESSAGE FROM THE GOVERNOR

VETO MESSAGE ON SENATE BILL NO. 6114

April 23, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6114 entitled:

"AN ACT Relating to corrections."

This measure creates a statutory formula for providing mitigation funds to counties where state correctional facilities are located. The Department of Corrections is required to provide funds based on the number of inmates' families living in close proximity to the facility.

It is the policy of this state to reimburse local governments for the direct impacts experienced by the location of correctional facilities. The Institutional Impact Account has been created to ensure that counties are compensated when they provide services required by the activities of inmates.

This bill, however, proposes to go further by providing mitigation funds for impacts that are not directly associated with the operation of the facility. Further, the term "close proximity" is inexact, as is the term "inmate family." Thus, this bill provides neither a clear rationale nor a workable model for providing mitigation funds.

For these reasons, I have vetoed Senate Bill No. 6114 in its entirety.

Respectfully submitted,

Booth Gardner, Governor

MOTION

On motion of Senator Newhouse, Senate Bill No. 6114 and Senate Bill No. 6253 were held on the desk.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the official veto messages of the Governor setting forth his objections to the sections or items of each of the bills as required by Article III, section 12, of the Washington State Constitution:

Section 8, Senate Bill No. 5371, the remainder of which has been designated Chapter 10, First Extraordinary Session, Laws of 1990;

Section 3, *Second Substitute Senate Bill No. 5835, the remainder of which has been designated Chapter 301, Laws of 1990;

Section 1, *Senate Bill No. 6292, the remainder of which has been designated Chapter 300, Laws of 1990;

Section 116(7), section 120(5), section 206(1)(a)(iv), section 207(1)(g), section 208(14), section 218(7), section 221(8), section 225(25), section 225(27), section 229(2)(c), section 229(3)(b), section 302(20), section 302(25), section 306(17), section 306(18), section 306(19), section 306(26), and section 705 of Substitute Senate Bill No. 6407, the remainder of which has been designated Chapter 16, First Extraordinary Session, Laws of 1990.

Sections 3, 13, and 33, *Senate Bill No. 6408, the remainder of which has been designated Chapter 298, Laws of 1990;

Section 315, *Substitute Senate Bill No. 6417, the remainder of which has been designated Chapter 299, Laws of 1990.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this fifth day of June, 1990.

(Seal)

RALPH MUNRO, Secretary of State

*EDITOR'S NOTE: The Governor's Messages on the partial veto of Second Substitute Senate Bill No. 5835, Senate Bill No. 6292, Senate Bill No. 6408 and Substitute Senate Bill No. 6417 were read in on the twenty-fourth day of the First Special Session April 1, 1990.

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5371

April 13, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Senate Bill No. 5371 entitled:

"AN ACT Relating to excellence in teacher preparation."

This bill establishes two important programs. It creates an annual award program to recognize excellent higher education teacher educators. The second portion of the bill establishes the excellence in teacher preparation program to provide cooperating teachers to all student teachers during their internship with local school districts. Both programs are essential components in our continuing efforts to improve teacher preparation and I am pleased to sign them into law.

Section 8 of the bill, however, delays the effective date for the sections of the bill that establish the excellence in teacher preparation program. It is important that this program go into effect without delay to allow the Superintendent of Public

Instruction to publish regulations and the institutions of higher education to begin the planning process that will enable them to begin operating the program as soon as funds are appropriated.

For the reasons stated above, I have vetoed section 8.

With the exception of section 8, Senate Bill No. 5371 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6407

April 23, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 116(7), section 120(5), section 206(1)(a)(iv), section 207(1)(g), section 208(14), section 218(7), section 221(8), section 225(25), section 225(27), section 229(2)(c), section 229(3)(b), section 302(20), section 302(25), section 306(17), section 306(18), section 306(19), section 306(26), and section 705 of Substitute Senate Bill No. 6407 entitled:

"AN ACT Relating to fiscal matters."

My reasons for vetoing these sections are as follows:

Section 116(7)

This section directs the Office of Financial Management to study the Schools for the Deaf and Blind to determine the management organization and fiscal practices necessary for maximum operational and financial efficiency.

I am vetoing this item because these studies have already been done. Another study will not improve the operations of these schools. I will direct the Office of Financial Management to assist the schools to improve their efficiency and fiscal practices, but I do not feel another study at this time is needed.

Section 120(5)

Section 120(5) directs the Department of Revenue to immediately promulgate and implement a rule providing for fair and equitable applications of the business and occupation tax to persons engaged in business as tour operators. The Department has processes in place through which any taxpayer or group of taxpayers can appeal their treatment under the state's tax laws and Administrative Code. I am vetoing this subsection because it constitutes an inappropriate intrusion into the appeal and due process provisions already present in tax law and the Washington Administrative Code.

Section 206(1)(a)(iv)

Section 206(1)(a)(iv) requires that mentally ill nursing-home residents who do not need a nursing-home level of care be transferred and provided services through regional support networks. Further, the person may not be transferred without his or her consent or consent of his or her guardian.

This requirement for consent is in conflict with federal Medicaid requirements for nursing-homes, as amended by the Omnibus Budget Reconciliation Act of 1987. The federal law requires that, in some cases, mentally ill nursing-home residents who do not need a nursing-home level of care must be discharged. Were the state to allow persons meeting the federal discharge criteria to reside in Medicaid-funded nursing-homes, the federal government would not share in the nursing home cost of care.

Section 207(1)(g)

This item directs that portions of the money appropriated in section 207 are provided solely for salary and benefit increases for employees of community-contracted facilities serving the developmentally disabled. The chairs of the legislative fiscal committees have indicated by letter that the intent of the Legislature was that these funds be provided only to residential facilities serving the developmentally disabled. Therefore, to ensure that these funds are expended as intended, I am vetoing this item and directing the Department of Social and Health Services to expend the funds to provide salary and benefit increases effective May 1, 1990, for employees of community-contracted residential facilities serving the developmentally disabled.

Section 208(14)

This subsection directs that mentally ill persons not in need of nursing home care may be referred to residences outside regional support networks. Senate Bill No. 5400 and the 1989 Biennial Budget bill directed the Department of Social and Health Services to implement the federal Omnibus Budget and Reconciliation Act of 1987 (OBRA). Senate Bill No. 5400 requires that funding be distributed to regional support networks for residential services for a variety of populations, including persons transferred from nursing homes. The budget bill appropriated all OBRA funding to the regional support networks. The Department, with legislative endorsement, is implementing OBRA beds incrementally in areas of the state with regional support networks. At this point of the biennium, the Department cannot shift course and reallocate funding differently and jeopardize programs being developed under the policies of Senate Bill No. 5400. I am vetoing this subsection to avoid this conflict.

Section 218(7)

This subsection restores chiropractic services to the medical assistance program but limits payments to ten treatments per recipient per twelve-month period. Limiting the number of chiropractic treatments by budget proviso is overly prescriptive. The Department of Social and Health Services intends to provide limited chiropractic services within the funds appropriated for this purpose. The Department has options to limit the number of treatments covered, which will ensure that the service can be provided within available funds. Within these general limits, the Department needs the ability to approve, on an exception basis, a greater number of treatments if it is determined to be medically necessary.

Section 221(8)

Section 221(8) limits to \$250,000 the amount of the General Fund-State appropriation that may be expended on the Automated Clients Eligibility System (ACES). If the cost of the project in this biennium exceeds the limit by any amount, the Department of Social and Health Services would not be able to continue with the project until review in the 1991 session.

The Department of Social and Health Services estimates the 1989-91 cost of ACES planning and development at \$339,000 General Fund-State. This estimate was provided to legislative staff, the Office of Financial Management, the Department of Information Services and the relevant federal agencies.

It is difficult to predict the federal match for the project. The amount of match currently assumed is tentative and could be revised by the participating federal agencies after the project is underway, making it impossible for the Department to guarantee that ACES expenditures will not exceed \$250,000 General Fund-State before executing a contract.

The Department will continue to comply with the requirements of section 802, chapter 19, Laws of 1989, 1st Extraordinary Session, which requires ongoing review of information system projects by the Department of Information Systems and the Office of Financial Management.

Section 225(25)

This subsection requires the Department of Community Development to establish a new and significant children's ombudsman program. I am vetoing this appropriation because \$90,000 is insufficient to create and properly administer a program of this scope. I will consider developing a budget item for inclusion in the 1991-93 biennium budget. The \$90,000 will be placed in reserve, and not used for any other purpose.

Section 225(27)

This subsection unduly restricts the Department of Community Development from adequately administering the Housing Trust Fund program by providing that none of the housing trust fund appropriation may be used for administrative expenses. While it is my expectation that the \$10 million appropriated will be expended on direct program activity, I am vetoing this subsection to make it clear that some of the interest earned on the \$10 million will be expended on administration, as allowed under the statute governing the Housing Trust Fund. The Department must have the ability to staff the program adequately in order to

expedite the availability of these funds for local programs and to ensure that projects and contracts are monitored, that repayments be managed, and that site visits be conducted.

Section 229(2)(c)

This subsection states that the civil commitment of sexual predators pursuant to chapter 3, Laws of 1990, shall be at the Twin Rivers Corrections Center. Flexibility is needed to place the program where it can be operated most efficiently and effectively within the Monroe correctional facilities.

Section 229(3)(b)

Section 229(3)(b) provides prison impact funding. I recognize that some local jurisdictions may experience extraordinary costs relating to expansion of correctional institutions. The language of this subsection restricts the use of the appropriation to a few local jurisdictions for new purposes. In the interest of equitable distribution of impact funds, I am directing the Department of Corrections to develop revisions to the Washington Administrative Code that will specify how local jurisdictions are to be reimbursed for these new actual costs that are clearly related to offender populations.

Section 302(20)

Section 302(20)(a) provides \$600,000 for grants to local jurisdictions to develop local wetlands protection and management programs. Section 302(20)(b) provides \$600,000 to the Department of Ecology, contingent on a wetlands protection bill being enacted. The Legislature did not pass a wetlands protection bill, and if section 302(20)(b) remains, the funding will lapse.

In the absence of a comprehensive wetlands protection bill, this money is necessary for the Department of Ecology to more fully utilize existing authority to protect wetlands. I am vetoing this subsection and am directing the Department of Ecology to use these funds for the stricter implementation and enforcement of current statutes and to provide a portion of the aforementioned grants to local jurisdictions.

Section 302(25)

Section 302(25) limits the Department of Ecology's June 1991 FTE level to not more than 154 above the agency's June 30, 1990, FTE level. This limitation on FTE growth unnecessarily limits the agency's ability to perform its required duties. The restriction on FTEs may not be sufficient to meet the Department of Ecology's growth assumed in the Supplemental Budget or those assumed in bills passed by the 1990 Legislature. In vetoing this section, I am directing the Department of Ecology to identify savings as a result of vacancies in Fiscal Year 1991 and directing that those savings remain unexpended.

Section 306(17)

Subsection 17 directs the Department of Community Development to implement a self-employment loan program as described in subsection 84 of House Bill No. 2929. Encouraging self-employment as an option for dislocated and low-income individuals is a worthwhile idea. However, the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bonds, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. The proposed self-employment loan program would be ongoing and would require support from the General Fund-State for continued operation in the next biennium.

Section 306(18)

Subsection 18 creates an industrial competitiveness program in the Department of Trade and Economic Development, as described in subsection 75 of House Bill No. 2929. It is important to encourage the growth of value-added manufacturing in the state and to encourage smaller firms to work together to increase their competitiveness. However, again the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bond

sales, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. The industrial competitiveness program would be ongoing and would require support from the General Fund-State for continued operation in the next biennium. I am directing the Department of Trade and Economic Development to use existing general fund monies to provide assistance to facilitate efforts by small businesses to develop cooperative networks in order to increase their competitiveness.

Section 306(19)

Subsection 19 directs the Department of Community Development to provide grants for technical assistance for community-based organizations as described in subsection 83 of House Bill No. 2929. Efforts to increase the capacity of community-based organizations in low-income communities are valuable and worthwhile. However, the provisions contained in this section are overly prescriptive and have the potential to reduce the effectiveness of the existing successful Local Development Matching Fund program. Once again, the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bonds, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. I am directing the Department of Community Development to explore opportunities to provide training and technical assistance to community-based organizations serving low-income rural and urban areas.

Section 306(26)

Subsection 26 provides for a review of state-supported advanced-technology and technology-transfer economic development activities. While I applaud the Legislature for examining these important issues, the language contained in section 76 of House No. Bill 2929 is overly prescriptive given the size of the appropriation to support the review. I am directing the Department of Trade and Economic Development to utilize the available funds to evaluate existing state-supported applied research and technology transfer activities in the state. I am also directing the Department of Trade and Economic Development to conduct an initial examination of opportunities for collaboration between higher education, industry and the state as a way to increase the economic competitiveness of the state.

Section 705

This section forgives loans made to the cities of Federal Way and Sea-Tac that were supported by an Emergency Fund allocation to the Department of Community Development for that purpose. In modifying the Executive's decision in the matter of the allocation to the Department of Community Development in this way, the Legislature makes an unacceptable encroachment into gubernatorial authority and responsibility for the Governor's Emergency Fund.

With the exceptions of sections 116(7), 120(5), 206(1)(a)(iv), 207(1)(g), 208(14), 218(7), 221(8), 225(25), 225(27), 229(2)(c), 229(3)(b), 302(20), 302(25), 306(17), 306(18), 306(19), 306(26) and 705, Substitute Senate Bill No. 6407 is approved.

Respectfully submitted,
Booth Gardner, Governor

MOTION

On motion of Senator Newhouse, Senate Bill No. 5371, Second Substitute Senate Bill No. 5835, Senate Bill No. 6292, Substitute Senate Bill No. 6407, Senate Bill No. 6408 and Substitute Senate Bill No. 6417 were held on the desk.

MOTION

At 11:10 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:56 a.m. by President Pritchard.

The President declared the Senate to be at recess until 1:30 p.m.

The Senate was called to order at 2:05 p.m. by President Pritchard.

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

June 5, 1990

Mr. President:

The House has passed HOUSE JOINT RESOLUTION NO. 4231, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HJR 4231 by Representatives Hine and Ballard (by request of Governor Gardner)

Authorizing six-year property tax levies.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Joint Resolution No. 4231 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6913, by Senators Hayner, Vognilid and Patrick (by request of Governor Gardner)

Providing for local criminal justice and other fiscal assistance.

The bill was read the second time.

MOTIONS

On motion of Senator Hayner, the following amendments by Senators Hayner and Vognilid were considered simultaneously and were adopted:

On page 3, line 23, strike "As used in" and insert "Under"

On page 3, after line 34, insert:

"(iv) Distributions and eligibility for distributions in the 89-91 biennium shall be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions shall be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection."

Senator Sutherland moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 36, after "purposes" strike everything down through and including "funding" on page 4, line 1

On page 4, line 11, after "purposes" strike everything down through and including "funding" on page 4, line 12

On page 5, line 15, after "purposes" strike everything down through and including "funding" on page 5, line 16

On page 5, line 36, after "purposes" strike everything down through and including "funding" on page 6, line 1

On page 47, line 4, after "purposes" strike everything down through and including "funding" on page 47, line 5

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Sutherland on page 3, line 36; page 4, line 11, page 5, lines 15 and 36; and page 47, line 4, to Senate Bill No. 6913.

The motion by Senator Sutherland failed and the amendments were not adopted.

MOTION

Senator Owen moved that the following amendment by Senators Owen and Smitherman be adopted:

On page 46, line 11, after "twenty" strike "-four"

Debate ensued.

Senator Smitherman demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Owen and Smitherman on page 46, line 11, to Senate Bill No. 6913.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 23; excused, 4.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vogt, Warnke, Williams - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 23.

Excused: Senators Bluechel, DeJarnatt, Metcalf, Wojahn - 4.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 48, line 13, after "(c)" insert "A revised funding factor that gives weight to those jurisdictions that have demonstrated significant effort to locally finance their criminal justice services;

(d)"

Reletter the remaining subsection consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 48, line 13, to Senate Bill No. 6913.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Niemi moved that the following amendment be adopted:

On page 49, after line 25, insert the following:

"**NEW SECTION.** Sec. 1103. Money distributed or revenue generated under sections 102, 103, 104, 105, and 901 of this act shall be expended solely for operating costs for the city and county criminal justice system and not for capital purposes."

Renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Niemi on page 49, line 25, to Senate Bill No. 6913.

The motion by Senator Niemi failed and the amendment was not adopted.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Fleming be adopted:

On page 6, after line 9, insert the following:

"**NEW SECTION.** Sec. 107. A new section is added to chapter 82.14 RCW to read as follows:

By January 1, 1991, and annually thereafter, as a condition of receiving funds under this act, a local government shall file a criminal justice plan with the department of community development. The criminal justice plan shall include:

(1) Current criminal justice activities of the local government;

(2) Projected allocation of criminal justice resources, including the funds provided under this act;

(3) Efforts by the local government to coordinate strategies against crime and use multijurisdictional and innovative approaches in addressing criminal justice problems; and

(4) Evidence of community-wide participation in the criminal justice planning process."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and Fleming on page 6, after line 9, to Senate Bill No. 6913.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; nays, 28; absent, 1; excused, 4.

Voting yea: Senators Conner, Fleming, Gaspard, Kreidler, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Warnke, Williams - 16.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, Vognild, von Reichbauer, West - 28.

Absent: Senator Bauer - 1.

Excused: Senators Bluechel, DeJarnatt, Metcalf, Wojahn - 4.

MOTION

Senator Hayner moved that the following amendments by Senators Hayner and Vognild be considered simultaneously and be adopted:

On page 49, after line 25, insert the following:

*Sec. 1103. Section 1, chapter 256, Laws of 1990 and RCW 42.17.310 are each amended to read as follows:

- (1) The following are exempt from public inspection and copying:
 - (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
 - (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
 - (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
 - (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
 - (e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
 - (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
 - (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
 - (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
 - (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
 - (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
 - (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or deprecation of such sites.
 - (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
 - (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair

contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Effective March 1, 1991, the work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Renumber the sections following consecutively, and correct internal references accordingly.

On page 50, line 3, after "1990," strike "and"

On page 50, line 4, after "(3)" insert "Section 1103 of this act shall take effect June 7, 1990; and

(4)*

Debate ensued.

POINT OF INQUIRY

Senator Rinehart: "Senator McCaslin, as prime sponsor of Senate Bill No. 6880, I am interested in the purpose for this delayed implementation date. What is the specific reason for this delay?"

Senator McCaslin: "Senator Rinehart, several local governments indicated a need to have more time to implement this important legislation. There is no intent to come back next year to dismantle or weaken this law. The locals understand the need for this type of protection and only seek more time to properly implement it."

The President declared the question before the Senate to be the adoption of the amendments by Senators Hayner and Vognild on page 49, after line 25, and page 50, lines 3 and 4, to Senate Bill No. 6913.

The motion by Senator Hayner carried and the amendments were adopted.

MOTIONS

On motion of Senator Newhouse, the following title amendment was adopted: In line 7 of the title, after "82.14.210," insert "42.17.310."

On motion of Senator Newhouse, Engrossed Senate Bill No. 6913 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Benitz: "Senator Hayner, in this past fiscal year, 1989-1990, some local governments have had to make budget cuts in other areas of government in order to fund essential criminal justice functions. Is it the intent of this legislation to prevent these local governments from restoring these recent budget cuts?"

Senator Hayner: "No. While this legislation requires the new money to be expended exclusively for criminal justice purposes, we cannot ignore the fact that this past year has been one of uncertainty for local governments in the area of budgeting for criminal justice. It is not our intent to prevent local governments from restoring other moneys that have been diverted to essential criminal justice and law enforcement purposes during this past fiscal year."

Further debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Newhouse, some of the funds in this bill are distributed to cities and counties on the basis of the jurisdictions's crime rate as published by the Association of Sheriffs and Police Chiefs. What happens if a city or county failed to report its 1988-1989 crime rate, or if they filed late?"

Senator Newhouse: "There is nothing in the bill that prevents the association from publishing an addendum or supplement to pick up those jurisdictions that failed to file their 1988-1989 report. This is what we hope they will do, and these new figures can be used by the state treasurer for all subsequent distributions of funds."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, you and Senator Benitz were making law on the floor with your questions and answers. It wasn't clear to me--I think your explanation was that if we didn't buy a park or a new convention center and use that money for criminal work--investigation and so forth--we would allow ourselves to take some of this money that is going to be available and put it back in the convention center or whatever. Was that the gist of your remarks?"

Senator Hayner: "There are about six or eight or ten counties in the state that are bankrupt or certainly in deficit spending. That is true because they have taken money from whatever it is--from parks, from roads, from mental health--and put it into criminal justice. We are just saying that if you have done that in the last fiscal year, you may return it. That, as I understand it, is the intention of the bill."

Senator Rasmussen: "One more question. You are aware that the Pierce County people voted for an additional levy to hire fifty deputy sheriffs. Could this money then be refunded to the people out of the criminal justice fund under your explanation where we can build swimming pools and convention centers with this money if we have diverted it in the last year?"

Senator Hayner: "Well, I commend them for doing that. I think probably all the other counties should do that, but I don't think they can return it, no."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6913.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6913 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Cantu, Hansen, Niemi, Stratton - 4.

Excused: Senators Bluechel, DeJarnatt, Metcalf - 3.

ENGROSSED SENATE BILL NO. 6913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT RESOLUTION NO. 4231, by Representatives Hine, Ballard, Wang, Haugen, Phillips, Locke, Morris, Spanel, Rasmussen and Pruitt (by request of Governor Gardner)

Authorizing six-year property tax levies.

The joint resolution was read the second time.

MOTION

On motion of Senator Newhouse, House Joint Resolution No. 4231 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

MOTION

At 3:28 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:09 p.m. by President Pritchard.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of House Joint Resolution No. 4231, which was being considered on third reading before the Senate went at ease.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4231.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution Bill No. 4231 and the joint resolution passed the Senate by the following vote: Yeas, 35; nays, 11; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Wojahn - 35.

Voting nay: Senators Bauer, Cantu, Hansen, Moore, Newhouse, Patrick, Rasmussen, Stratton, Sutherland, West, Williams - 11.

Excused: Senators Bluechel, DeJarnatt, Metcalf - 3.

HOUSE JOINT RESOLUTION NO. 4231, having received the constitutional majority, was declared passed.

There being no objection, the President returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6914 by Senators Moore, Smitherman, Owen, Bender, Niemi, Rasmussen, Rinehart, Madsen, McMullen, Conner, Hansen, Talmadge, Murray, Fleming, Williams, Gaspard, Stratton, Bauer, Vognild, Warnke, Wojahn, Sutherland, von Reichbauer, Anderson, Lee, Nelson and Benitz

AN ACT Relating to school drop-out prevention programs; amending section 518, chapter 19, Laws of 1989 1st ex. sess. (uncodified) as amended by section 514, chapter 16, Laws of 1990 1st ex. sess. (uncodified); making appropriations; and declaring an emergency.

SJM 8027 by Senators Hansen, Sutherland and Madsen

Promoting water rights for Washington state.

MOTION

Senator Vognild moved that the rules be suspended, and that Senate Bill No. 6914 be advanced to second reading and placed on the second reading calendar. Debate ensued.

POINT OF ORDER

Senator Newhouse: "Mr. President, a point of order. Under Rule 35, which limits debate to one short speech on each side, I would suggest that full debate on this question is not properly before us."

EDITOR'S NOTE: Senate Rule 35 (2) reads: 'A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the President and no objection is offered, the President may announce the rule suspended, and the Senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the President a rebuttal may be allowed.'

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild to suspend the rules and place Senate Bill No. 6914 on second reading.

ROLL CALL

The Secretary called the roll and the motion to suspend the rules failed to receive the constitutional two-thirds majority by the following vote: Yeas, 23; nays, 23; excused, 3.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 23.

Excused: Senators Bluechel, DeJarnatt, Metcalf - 3.

Senate Bill No. 6914 was referred to the Committee on Ways and Means.

MOTION

Senator Hansen moved that the rules be suspended, and that Senate Joint Memorial No. 8027 be advanced to second reading and placed on the second reading calendar.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hansen to suspend the rules and advance Senate Joint Memorial No. 8027 to second reading.

The motion by Senator Hansen to suspend the rules failed.

Senate Joint Memorial No. 8027 was referred to the Committee on Agriculture.

MOTION

At 4:40 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:03 p.m. by President Pritchard.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1990-8787

by Senators von Reichbauer and Moore

WHEREAS, Individuals may avoid the application of the federal capital gains tax when certain money is derived from the sale of residential property; and

WHEREAS, When a person sells his or her main personal residence and purchases a residence of equal or greater value within twenty-four months after selling their former residence, the person can avoid and subsequently postpone application of the federal capital gains to the amount derived from the sale of the first residence; and

WHEREAS, In addition, a one time exemption of up to \$125,000 from the federal capital gains tax is available to persons who sell their main residence under certain criteria; and

WHEREAS, Such criteria requires that at the time of sale (1) the individual is at least fifty-five years of age, and (2) the individual has lived in and owned the residence the last three out of five years; and

WHEREAS, the one time exemption has been in place for over ten years, and there has not been any adjustment in the amount of the \$125,000 exemption; and

WHEREAS, The costs of homes nationwide and in the Northwest has escalated significantly in the past ten years without a corresponding adjustment in the one time exemption; and

WHEREAS, The one time exemption from the federal capital gains tax should be reviewed for potential adjustment to reflect current home prices;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Standing Committee on Financial Institutions and Insurance be directed to review the impact of housing prices upon the effectiveness of the one time exemption and to develop any potential modifications that could be recommended for Congressional consideration; and

BE IT FURTHER RESOLVED, That the Senate Committee on Financial Institutions and Insurance compile and deliver such recommendations to the members of the Senate by January 15, 1991.

MOTION

On motion of Senator Newhouse, Senate Joint Resolution No. 8241, which was on the second reading calendar, was referred to the Committee on Rules.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

June 5, 1990

Mr. President:

The House has passed SENATE BILL NO. 6913, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 5, 1990

Mr. President:

The Speaker has signed HOUSE JOINT RESOLUTION NO. 4231, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 5, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4448, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6913.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT RESOLUTION NO. 4231.

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4448 by Representative Ebersole

Adjourning the legislature sine die.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4448 was advanced to second reading and read the second time.

On motion of Senator Newhouse, House Concurrent Resolution No. 4448 was advanced to third reading, the second reading considered the third and the resolution was adopted.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

June 5, 1990

Mr. President:

The Speaker has signed SENATE BILL NO. 6913, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 5, 1990

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4448, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4448.

MOTION

On motion of Senator Newhouse, the Senate Journal for the first day of the 1990 Second Special Session of the Fifty-first Legislature was approved.

MOTION

At 5:29 p.m., on motion of Senator Newhouse, the 1990 Second Special Session of the Fifty-first Legislature adjourned SINE DIE.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

**APPENDIX A
COMMENTS
TO
WASHINGTON
CONDOMINIUM ACT**

Prepared by

**Condominium Act Revision Committee
of the Washington State Bar Association**

**(See Substitute Senate Bill No. 6776,
page 376)**

APPENDIX A: COMMENTS TO CONDOMINIUM ACT

RCW 64.34.010. APPLICABILITY.

1. The question of the extent to which a state statute should apply to particular condominiums involves the extent to which the statute should require or permit different results for condominiums created before and after the statute becomes effective.

Two conflicting policies are proposed when considering the applicability of this Act to "old" and "new" condominiums located in Washington. On the one hand, it is desirable, for reasons of uniformity, for the Act to apply to all condominiums located in a particular state, regardless of whether the condominium was created before or after adoption of the Act in that state. To the extent that different laws apply within the same state to different condominiums, confusion results in the minds of both lenders and consumers. Moreover, because of the uncertainties existing under RCW 64.32, and because of the requirements placed on declarants and unit owners' associations by this Act which might increase the costs of new condominiums, different markets might tend to develop for condominiums created before and after adoption of the Act.

On the other hand, to make all provisions of this Act automatically apply to "old" condominiums might violate the constitutional prohibition of impairment of contracts. In addition, aside from the constitutional issue, automatic applicability of the entire Act almost certainly would unduly alter the legitimate expectations of some present unit owners and declarants.

Accordingly, the philosophy of this section reflects a desire to maximize the uniform applicability of the Act to all condominiums in the enacting state, while avoiding the difficulties raised by automatic application of the entire Act to pre-existing condominiums.

2. In carrying out this philosophy with respect to "new" condominiums, the Act applies to all condominiums "created" within the state after the Act's effective date. This is the effect of the first sentence of subsection (1). The first sentence of subsection (2) makes clear that the provisions of old statutes expressly applicable to condominiums do not apply to condominiums created after the effective date of this Act.

"Creation" of a condominium pursuant to this Act occurs upon recordation of a declaration and survey map and plans pursuant to RCW 64.34.200. "Creation" of a condominium under RCW 64.32 occurs upon the recordation of the declaration, survey map and plans and an as-built verification for constructed units pursuant to RCW 64.32.020, .090 and .100. The focus of the applicability language of subsections (1) and (2) is on whether a condominium project was created before or after the effective date of this Act, and not on whether all of the units (and/or related common and limited common areas and facilities) contemplated to be part of the project have been completed or are a part of the condominium by that date. Thus, with respect to a "phased" condominium project, if prior to the effective date of this Act a declaration (together with the survey map and plans and as-built certificate for units then constructed) has been recorded, and if that declaration specifically provides for the subsequent addition of further units (and/or related common and limited common areas and facilities), then the condominium project was "created" prior to the effective date of this Act, and the subsequent addition of further units (and/or common and limited common areas and facilities) to that project is governed by RCW 64.32 and the provisions of the declaration, and not by this Act.

3. The section adopts a novel three-step approach to condominiums created before the effective date of the Act. First, certain provisions of the Act automatically apply to "old" condominiums, but only prospectively, and only in a manner which does not invalidate provisions of condominium declarations and bylaws valid under RCW 64.32. Second, RCW 64.32 remains applicable to previously created condominiums where not automatically displaced by the Act. Third, owners of "old" condominiums may amend any provisions of their declaration or bylaws, even if the amendment would not be permitted by RCW 64.32 so long as (a) the amendment is adopted in accordance with the procedure required by RCW 64.32 and the existing declaration and bylaws, and (b) the substance of the amendment does not violate this Act.

4. Elaboration of the principles described in Comment 3 may be helpful.

First, the second sentence of subsection (1) provides that the enumerated provisions automatically apply to condominiums created under pre-existing law, even though no action is taken by the unit owners. Many of the sections which do apply should measurably increase the ability of the unit owners to effectively manage the association, and should help to encourage the marketability of condominiums created under early condominium statutes. To avoid possible constitutional challenges, these provisions, as applied to "old" condominiums, apply only to "events and circumstances occurring after the effective date of this Act"; moreover, the provisions of this Act are subject to any inconsistent provisions of the instruments creating the condominium, and this Act does not invalidate those instruments.

EXAMPLE:

Under subsection (1), RCW 64.34.425 (Resale of Units) automatically applies to "old" condominiums. Accordingly, unit owners in condominiums established prior to adoption of the Act would be obligated after the Act's effective date to provide resale certificates to future purchasers of units in "old" condominiums. However, the failure of a unit owner to provide such a certificate to a purchaser who acquired the unit before the effective date of the Act would not create a cause of action in the purchaser, because the conveyance was an event occurring before the effective date of the Act.

Second, RCW 64.32 is not repealed by this Act because those laws will still apply to previously-created condominiums, except when displaced.

Third, the Act seeks to alleviate any undesirable consequences of RCW 64.32 by a limited "opt-in" provision. More specifically, subsection (2) permits the owners of a pre-existing condominium to take advantage of the provisions of this statute to the extent that can be accomplished consistent with the procedures for amending the condominium instruments as specified in those instruments and in the pre-existing statute.

EXAMPLE:

Under RCW 64.32, unit owners have no express statutory power to relocate boundaries between adjoining units. Under RCW 64.34.244 of this Act, unit owners have such power, unless limited by the declaration. While RCW 64.34.244 does not automatically apply to "old" condominiums, if the unit owners of a pre-existing condominium amend their condominium instruments in the manner permitted by the old statute and their existing instruments to permit unit owners to relocate boundaries, this section would validate that amendment, even if it were invalid under RCW 64.32.

5. In considering the permissible amendments under subsection (2), it is important to distinguish between the law governing the procedure for amending declarations, and the substance of the amendments themselves. An amendment to the declaration of the condominium created under RCW 64.32, even if permissible under this Act, must nevertheless be adopted "in conformity with the procedures and requirements specified" by the original condominium instruments, and in compliance with RCW 64.32.

EXAMPLE:

RCW 64.32 requires the approval of 100% of the unit owners to amend the percentages of interest used in determining the allocation of voting rights under the declaration, but the unit owners wish to amend the declaration to provide for only 90% of the unit owners' approval of all such amendments in the future, as permitted by RCW 64.34.264 of this Act. The amendment would not be valid unless 100% of the unit owners approved it because of the procedural requirement in RCW 64.32. Once approved, however, only 90% would be required for subsequent amendments.

6. The last sentence of subsection (2) addresses the potential problem of a declarant seeking to take undue advantage of the amendment provisions to assume a power granted by the Act without being subject to the Act's limitations on the power. The last sentence insures that, if declarants or other persons assume any

of the powers and rights which the Act grants, the correlative obligations, liabilities, and restrictions of the Act also apply to that person, even if the amendment itself does not require that result.

EXAMPLE:

Assume that pursuant to the declaration, the declarant may exercise control over the association for only 3 years from the date the condominium is created, but the control may be maintained during that period for so long as declarant owns any units. In the absence of any amendment, a provision in the declaration taking full advantage of the fact that RCW 64.32 does not expressly limit the declarant control provisions would be valid and enforceable. Assume further that, in the second year following creation of the condominium in question, this Act is adopted. The declarant then properly amends the declaration pursuant to subsection (2) to extend the period of declarant control for 5 years from the date of creation. The amendment would effectively extend control for 2 additional years, because RCW 64.34.308(4) does not limit the number of the years the declarant may specify as a control period.

Nevertheless, if the declarant, before that extended time limit has expired, conveys 75 percent of the units that may ever be a part of the condominium, or fails for 2 years to exercise development rights or offer units for sale in the ordinary course of business, the period of declarant control would terminate by virtue of the limitations in RCW 64.34.308(4). That limitation is imposed on the declarant even if the amendment called for retaining control for so long as any units were owned by declarant, and despite the fact that there is no corresponding restriction expressed in RCW 64.32.

7. This section does not permit a pre-existing condominium to elect to come entirely within the provisions of the Act, disregarding RCW 64.32. However, the owners of a pre-existing condominium may elect to terminate the condominium under pre-existing law and create a new condominium which would be subject to all the provisions of this Act.

RCW 64.34.020. DEFINITIONS.

1. The first clause of this section permits the defined terms used in the Act to be defined differently in the declaration and bylaws. Regardless of how terms are used in those documents, however, terms have an unvarying meaning in the Act, and any restricted practice which depends on the definition of a term is not affected by a changed term in the documents.

EXAMPLE:

A declarant might vary the definition of "unit owner" in the declaration to exclude itself in an attempt to avoid assessments for units which it owns. The attempt would be futile, since the Act defines a declarant who owns a unit as a unit owner and defines the liabilities of a unit owner.

2. The definition of "affiliate of a declarant" (RCW 64.34.020(1)) is similar to the definitions for persons deemed to be associated with a broker or dealer in the federal securities laws.

3. Definition (2), "allocated interests," refers to all of the interests which this Act requires the declaration to allocate. See RCW 64.34.224.

4. Definition (3), "assessment," includes items such as fines, interest and late charges. Pursuant to RCW 64.34.304(1)(k) and RCW 64.34.364(10), fines may be imposed only pursuant to a previously established schedule furnished to the owners and following notice and an opportunity to be heard by the Board of Directors or its designated representative, and the association may only establish late charges on all assessments becoming delinquent thereafter. Under RCW 64.34.364(10), delinquent assessments bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020, unless the rate is otherwise established by the association for future assessments. The question of whether interest on assessments is subject to state statutory usury limitations is not addressed in the Act and its resolution is left to other applicable laws.

5. Definitions (6) and (31), treating "common elements" and "units," should be examined in light of RCW 64.34.204, which specifies in detail how the precise differentiation between units and common elements is to be determined in any given

condominium to the extent that the declaration does not provide a different scheme. No exhaustive list of items comprising the common elements is necessary in this Act or in the declaration; as long as the boundaries between units and common elements can be ascertained with certainty, the common elements include by definition all of the real property in the condominium not designated as part of the units.

6. Definition (19), "condominium," makes clear that, unless the ownership interest in the common elements is vested in the owners of the units, the project is not a condominium. Thus, for example, if the common elements were owned by an association in which each unit owner was a member, the project would not be a condominium. Similarly, if a declarant sold units in a building but retained title to the common areas, granting easements over them to unit owners, no condominium would have been created. Such projects have many of the attributes of condominiums, but they are not covered by this Act.

7. Definition (10), "conversion condominium," is important because of the protection which the Act provides in RCW 64.34.440 for residential tenants in rental projects which are being converted into a condominium. The definition not only includes residential rental apartment projects in which the units are located within a building and have physical boundaries, but also projects such as mobile home parks in which the units may be defined by planes in space and have no physical boundaries. The definition distinguishes condominiums which prior to creation were occupied by residential tenants entitled to the benefits of RCW 64.34.440 from those condominiums not so occupied.

Frequently, in the early stage of marketing a newly constructed residential condominium, units may be occupied under what legally might be considered a landlord-tenant relationship. This may occur as a result of accommodating a purchaser's desire to occupy a unit prior to the actual closing of the sale, or during the period in which a developer is still attempting to satisfy a "pre-sale" requirement imposed by a lender. Clause (b) of the first sentence is intended to permit such pre-closing occupancy or rental arrangements without invoking the provisions of RCW 64.34.440. Clause (b) is also, however, intended to assure that each tenant of a declarant is aware that the unit being rented is subject to sale as a condominium. Thus, after creation of the condominium and before the sale of any units, a declarant's failure to advise a tenant in writing that the unit was subject to sale will cause the project to become a conversion condominium.

The last sentence of the definition is intended to avoid certain constitutional issues, including impairment of contracts that might arise if RCW 64.34.440 was imposed on rental projects in the process of conversion on the effective date of the Act.

8. Definition (13), "declarant," is designed to exclude persons who may be called upon to execute the declaration in order to ratify the creation of the condominium, but who are not intended to be charged with the responsibilities imposed on declarants by this Act if that is all they do. Examples of such persons include holders of pre-existing liens and, in the case of leasehold condominiums, ground lessors. (Of course, such a person could become a declarant by subsequently succeeding to a special declarant right.)

9. Definition (16), "development rights," includes a panoply of sophisticated development techniques that have evolved over time throughout the United States and which have been expressly recognized (and regulated) in an increasing number of jurisdictions, beginning with Virginia in 1974.

Some of these techniques relate to the phased development of condominiums which the declarant hopes, but cannot be sure, will be successful enough to grow to include more land than it is initially willing to commit to the condominium. For example, a declarant may be building (or converting) a 50-unit building on Parcel A with the intention, if all goes well, to "expand" the condominium by adding an additional building on Parcel B, containing additional units, as part of the same condominium. If it reserves the right to do so, i.e., to "add real property to a condominium," it has reserved a "development right."

In certain cases, however, the declarant may desire, for a variety of reasons, to include both parcels in the condominium from the outset, even though it may

subsequently be obliged to withdraw all or part of one parcel. Assume, for example, that in the example just given the declarant intends to build an underground parking garage that will extend into both parcels. If the project is a success, its documentation will be simpler if both parcels were included in the condominium from the beginning. If its hopes are not realized, however, and it becomes necessary to withdraw all or part of Parcel B from the condominium and devote it to some other use, it may do so if it has reserved such a development right "to withdraw real property from a condominium." The portion of the garage which extends into Parcel B may be left in the condominium (separated from the remainder of Parcel B by a horizontal boundary), or the garage may be divided between Parcels A and B with appropriate cross-easement agreements.

The right "to create units, common elements, or limited common elements" is frequently useful in commercial or mixed-use condominiums where the declarant needs to retain a high degree of flexibility to meet the space requirements of prospective purchasers who may not approach it until the condominium has already been created. For example, an entire floor of a high-rise building may be intended for commercial buyers, but the declarant may not know in advance whether one purchaser will want to buy the whole floor as a single unit or whether several purchasers will want the floor divided into several units, separated by common element walls and served by a limited common element corridor. This development right is sometimes useful even in purely residential condominiums, especially those designed to appeal to affluent buyers. Similarly, the development rights "to subdivide units or convert units into common elements" is most often of value in commercial condominiums, but can occasionally be useful in certain kinds of residential condominiums as well.

10. Definition (17), "dispose" or "disposition," includes voluntary transfers to purchasers of any interest in a unit, other than as security for an obligation. Consequently, the grant of a mortgage or other security interest is not a "disposition," nor is any transfer of any interest to a person who is excluded from the definition of "purchaser," *infra*. However, the term includes more than fee conveyances and would, for example, cover leases and real estate contracts.

11. Definition (21), "leasehold condominium," should be distinguished from land which is leased to a condominium but not subjected to the condominium regime. A leasehold condominium means, by definition, a leasehold interest in real property which has been subjected to the condominium form of ownership. In such a case, units located on the leasehold real property are typically leased for long terms. At the expiration of such a lease, the condominium unit or the real property underlying the unit would be removed from the condominium if the lease were not extended or renewed. On the other hand, real property not subjected to condominium ownership may be leased directly to the association or to one or more unit owners for a term of years.

This distinction is very significant. Under RCW 64.34.320, the unit owners' association is empowered, following expiration of the period of declarant control, to cancel any lease of recreational or parking areas or facilities to which it is a party, regardless of who the lessor is. The association also has the power to cancel any lease for any land if the declarant or an affiliate of the declarant is a party to that lease. If the leased real property, however, is subjected by the declarant to condominium form of ownership, that lease may not be cancelled unless it is unconscionable or unless the real property was submitted to the condominium regime for the purpose of avoiding the right to terminate the lease.

While the subjective test of declarant's "purpose" may not always be clear, the rights of the association to cancel a lease depend upon the test. Thus, for example, a declarant who wishes to lease a swimming pool to the unit owners would have a choice of subjecting the pool for, say, a term of 20 years to the condominium form of ownership as a common element. At the end of the term, the lease would terminate and the real property containing the pool would be automatically removed from the condominium unless there were a right to renew the lease. During the 20-year term, the lease would not be cancellable, regardless of the terms, unless it were found to be unconscionable under RCW 64.34.080, or cancellable because submitted for the purpose of avoiding the right to cancel. On the other hand, if the pool were not submitted to the condominium form of ownership and was leased

directly to the association for a 20-year term, the association could cancel that lease 90 days after the period of declarant control expired, even if, for example, 18 years remained of the term.

12. Definition (26), "purchaser," includes a person who acquires any interest in a unit, even as a tenant, if the tenancy entitles such person to occupy the premises for 20 or more years (including renewal options). Excluded from the definition, however, are mortgagees, declarants, and "dealers," as such term is defined in RCW 64.34.020(12). Persons excluded from the definition of "purchaser" do not receive certain benefits under Article 4, such as the right to a public offering statement (RCW 64.34.405(3)) and the right to rescind (RCW 64.34.420).

13. Definition (27), "real property," is very broad, and is very similar to the definition of "real estate" in Section 1-201(16) of the Uniform Land Transactions Act.

Although often thought of in two-dimensional terms, real property is a three-dimensional concept and the third dimension is unusually important in the condominium context. Where real property is described in only two dimensions (length and width), it is correctly assumed that the property extends indefinitely above the earth's surface and downwards toward a point in the center of the planet. In most condominiums, however, as in so-called "air rights" projects, ownership does not extend *ab solo usque ad coelu*, because units are stacked on top of units or units and common elements are interstratified. In such cases the upper and lower boundaries must be identified with the same precision as the other boundaries.

14. Definition (29), "special declarant rights," seeks to isolate those rights reserved for the benefit of a declarant which are unique to the declarant and not shared in common with other unit owners. The list, while short, encompasses virtually every significant right which a declarant might seek in the course of creating or expanding a condominium.

Any person who possesses a special declarant right would be a "declarant", including any who succeed under RCW 64.34.316 to any of those rights. Thus, the concept of special declarant rights triggers the imposition of obligations on those who possess the rights. Under RCW 64.34.316, those obligations vary significantly, depending upon the particular special declarant rights possessed by a particular declarant. These circumstances are described more fully in the comments to RCW 64.34.316.

15. Definition (31), "unit," describes a tangible, physical part of the project, rather than a right in, or claim to, a tangible physical part of the property. Therefore, for example, a "time-share" arrangement in which a unit is sold to 12 different persons each of whom has the right to occupy the unit for one month does not create 12 new units--there are, rather, 12 owners of the unit. (Under the section on voting (RCW 64.34.340), a majority of the time-share owners of a unit are entitled to cast the votes assigned to that unit.)

While a separately described part of the project is not a unit unless it is designed for, and is subject to, separate ownership by persons other than the association, the association developer can hold or acquire units unless otherwise provided in the declaration.

16. Definition (32), "unit owner," makes it clear that declarants, so long as they own units in the condominium, are unit owners and are therefore subject to all of the obligations imposed on other unit owners, including the obligation to pay common expense assessments against those units.

RCW 64.34.030. VARIATION BY AGREEMENT.

1. The Act is generally designed to provide great flexibility in the creation of condominiums and, to that end, the Act permits the parties to vary many of its provisions. In many instances, however, provisions of the Act may not be varied, because of the need to protect purchasers, lenders, and declarants. Accordingly, this section adopts the approach of prohibiting variation by agreement except in those cases where it is expressly permitted by the terms of the Act itself.

2. One of the consumer protections in this Act is the requirement for consent by specified percentages of unit owners to particular actions or changes in the declaration. In order to prevent declarants from evading these requirements by obtaining powers of attorney from all unit owners, or in some other fashion controlling the

votes of unit owners, this section forbids the use by a declarant of any device to evade the limitations or prohibitions of the Act or of the declaration.

3. The following sections permit variation:

RCW 64.34.010. (Applicability.) Pre-existing condominiums may elect to conform to the Act.

RCW 64.34.020. (Definitions.) All definitions used in the declaration and bylaws may be varied in the declaration, but not in interpretation of the Act.

RCW 64.34.060. (Condemnation.) The formulas for reallocation upon taking a part of a unit, and for allocation of proceeds attributable to limited common elements, may be varied.

RCW 64.34.204. (Unit Boundaries.) The declaration may vary the distinctions as to what constitutes the units and common elements.

RCW 64.34.216. (Contents of Declaration.) A declarant may add any information it desires to the required content of the declaration.

RCW 64.34.224. (Allocation of Common Element Interests, Votes, and Common Expense Liabilities.) A declarant may allocate the interests in any way desired, subject to certain limitations.

RCW 64.34.228. (Limited Common Elements.) The Act permits reallocation of limited common elements unless prohibited by the declaration.

RCW 64.34.232. (Plats and Plans.) There is a presumption regarding horizontal boundaries of units, unless the declaration provides otherwise.

RCW 64.34.240. (Alterations of Units.) Subject to the provisions of the declaration, unit owners may make alterations and improvements to units.

RCW 64.34.244. (Relocation of Boundaries Between Adjoining Units.) Subject to the provisions of the declaration, boundaries between adjoining units may be relocated by affected unit owners.

RCW 64.34.248. (Subdivision of Units.) If the declaration expressly so permits, a unit may be subdivided into two or more units.

RCW 64.34.256. (Use By Declarant.) The declarant may maintain sales offices, management offices, and model units only if the declaration so provides. Unless the declaration provides otherwise, the declarant may maintain advertising on the common elements.

RCW 64.34.260. (Easement Rights.) Subject to the provisions of the declaration, the declarant has an easement to facilitate its exercise of or performing its obligations related to special declaration rights.

RCW 64.34.264. (Amendment of Declaration.) The declaration of a non-residential condominium may specify less than a two-thirds vote to amend the declaration. Any declaration may require a larger majority.

RCW 64.34.268. (Termination of Condominium.) The declaration may specify a majority larger than 80 percent to terminate and, in a non-residential condominium, a smaller majority. The declarant may require that the units be sold following termination even though none of them have horizontal boundaries.

RCW 64.34.276. (Master Associations.) The declaration may provide for some of the powers of the Board of Directors to be exercised by a master association.

RCW 64.34.304. (Powers of Unit Owners' Association.) The declaration may limit the right of the association to exercise any of the listed powers, except in a manner which discriminates in favor of a declarant. The declaration may authorize the association to assign its rights to future income.

RCW 64.34.308. (Board of Directors and Officers.) Except as limited by the declaration or bylaws, the Board of Directors may act for the association.

RCW 64.34.324. (Bylaws.) Subject to the provisions of the declaration, the bylaws may contain any matter in addition to that required by the Act.

RCW 64.34.328. (Upkeep of the Condominium.) Except to the extent otherwise provided in the declaration, the declarant must pay the expenses of and is entitled to the income derived from real property subject to development rights.

RCW 64.34.332. (Meetings.) The bylaws may provide for special meetings at the call of less than 20 percent of the Board of Directors or the unit owners.

RCW 64.34.336. (Quorums.) This section permits statutory quorum requirements to be increased by the bylaws.

RCW 64.34.340. (Voting--Proxies.) A majority in interest of the multiple owners of a single unit determine how that unit's vote is to be cast unless the declaration

provides otherwise. The declaration may require that lessees vote on specified matters.

RCW 64.34.352. (Insurance.) The declaration may vary the provisions of this section in non-residential condominiums, and may require additional insurance in any condominium.

RCW 64.34.356. (Surplus Funds.) Unless otherwise provided in the declaration, surplus funds are paid or credited to unit owners in proportion to common expense liability.

RCW 64.34.360. (Assessments for Common Expenses.) To the extent otherwise provided in the declaration, common expenses for limited common elements must be assessed against the units to which they are assigned, common expenses benefiting fewer than all the units must be assessed only against the units benefited, insurance costs must be assessed in proportion to risk, and utility costs must be assessed in proportion to usage.

RCW 64.34.400. (Applicability.) Article 4 is not applicable to a condominium or the portion of any condominium which is not restricted to residential use.

RCW 64.34.445. (Implied Warranties of Quality.) Implied warranties of quality may be excluded or modified by agreement.

RCW 64.34.264 requires the consent of the holders of 90% of the allocated votes to make certain amendments to the declaration and bylaws. If a declarant were permitted to use powers of attorney to accomplish such changes, the substantial protection which RCW 64.34.264(4) provides to unit-owners would be illusory. RCW 64.34.030 prohibits the declarant from using powers of attorney for such purposes.

4. While freedom of contract is a principle of this Act, and variation by agreement is accordingly widely available, freedom of contract does not extend so far as to permit parties to disclaim obligations of good faith, see RCW 64.34.090, or to enter into contracts which are unconscionable when viewed as a whole, or which contain unconscionable terms. See RCW 64.34.080. This section derives from Section 1-102(3) of the Uniform Commercial Code.

RCW 64.34.040. SEPARATE TITLES AND TAXATION.

A condominium may be created, by the recordation of a declaration and survey map and plans, long before the first unit is conveyed. This happens frequently with existing rental apartment projects which are converted into condominiums. Subsection (4) spares the local taxing authorities from having to assess each unit separately until such time as the declarant begins conveying units, although separate assessment from the date the condominium is created may be permitted under other law. When separate tax assessments become mandatory under this section, the assessment for each unit must include the value of that unit's common element interest, and no separate tax bill on the common elements is to be rendered to the association or the unit owners collectively.

RCW 64.34.050. APPLICABILITY OF LOCAL ORDINANCES, REGULATIONS, AND BUILDING CODES.

1. The first sentence of this section prohibits discrimination against condominiums by local law-making authorities. Thus, this section makes it unlawful to impose a local law, ordinance or regulation on a condominium if it would not be applied if all of the property constituting the condominium were owned by a single owner. For example, in the case of a high-rise apartment building, if a local requirement imposing a minimum number of parking spaces per apartment would not prevent a rental apartment building from being built, this Act would override any requirement that might impose a higher number of spaces per apartment merely by virtue of the same building being owned as a condominium.

2. The second sentence makes clear that, except for the prohibition on discrimination against condominiums, the Act has no effect on real property use laws. For example, a particular piece of real property submitted to the condominium form of ownership might be of such size that all of the real property is required to support a proposed density of units or to satisfy minimum setback requirements. Under this Act, part of the submitted real property might be subject to a development right entitling the declarant to withdraw it from the condominium, but the mere reservation of this right would not constitute a subdivision of the parcel into

separate ownership. If a declarant or foreclosing lender at a later time sought to exercise the option to withdraw the real property, however, withdrawal would constitute a subdivision and would be illegal if the effect of withdrawal would be to violate setback requirements, or to exceed the density of units permitted on the remaining parcel.

3. This section does not prohibit local condominium conversion ordinances to the extent they are permitted by RCW 64.34.440(6).

RCW 64.34.060. CONDEMNATION.

1. The provisions of this statute are not intended to supplant the usual rules of condemnation but merely to supplement them to address the unique problems which condemnation raises in the context of a condominium.

2. When a unit is taken or partially taken by condemnation, this section provides for a recalculation of the allocated interests of all units.

EXAMPLE 1:

Suppose that all allocated interests in a 9-unit condominium were originally allocated to the units on the basis of size. If eight of the units are equal in size and one is twice as large as the others, the allocated interests would be 20% for the largest unit and 10% for each of the other eight units.

Suppose that one of the smaller units is taken out of the condominium by a condemning authority. Subsection (1) provides that the allocated interests would automatically shift, at the time of the taking, so that the larger unit would have 22 2/9% while each of the small units would have 11 1/9%.

EXAMPLE 2:

Suppose, in Example 1, that the condemnation only reduced the size of one of the smaller units by 50%, leaving the remaining half of the unit usable. Subsection (2) provides that the allocated interests would automatically shift to 5 5/19% for the partially taken unit, 21 1/19% for the largest unit, and 10 10/19% for each of the other units. Note that the fact that the partially taken unit was reduced to half its former size does not mean that its allocated interests are only half as large as before the taking. Rather, that unit participates in the reallocation in proportion to its reduced size. That is why the partially taken unit's reallocated interests are 5 5/19% rather than 5%.

3. An important issue raised by this section is whether or not a governmental body acquiring a unit by condemnation has a right to also take that unit's allocated interests and thereby assume membership in the association by virtue of its power of condemnation. While there is no question that a governmental body may acquire any real property by condemnation, there is no Washington case law on the question of whether or not the governmental body may take a condominium unit as a part of the condominium or must take the unit and have the unit excluded from the condominium.

Subsection (1) merely requires that the taking body compensate the unit owner for all of its unit and its interest in the common elements, whether or not the common element interest is acquired. The Act also requires that the allocated interests are automatically reallocated upon taking to the remaining units unless the decree provides otherwise. Whether or not the decree may constitutionally provide otherwise in the case of a particular taking (for example, by allocating the common element interest, votes, and common expense liability to the government) is an unanswered question in Washington.

4. In the circumstances of a taking of part of a unit, it is important to have some objective test by which to measure the portion of allocated interest to be reallocated. Subsection (2) sets forth a formula based on relative size, but permits the declaration to vary that formula to some other more appropriate formula in a particular circumstance. This right to vary the formula in the declaration is important, since it is clear that the formula set forth in the statute may in some instances result in gross inequities.

EXAMPLE 1:

Suppose, in a commercial condominium consisting of four units, each unit consists of a factory and parking lot, and that the declaration provides that each unit's common expense liability, including utilities, is equal. Suppose further that the area

of the factory building and parking lot in unit No. 1 are equal, and that 1/2 the parking lot is taken by condemnation, leaving the factory and 1/2 the lot intact. Under the formula set out in the statute, unit No. 1's common expense liability would be reduced even though its utilities might not be reduced at all, thus resulting in a windfall for the unit owner.

EXAMPLE 2:

Suppose that a condominium contains ten units, each of which is allocated at 1/10 undivided interest in the common elements. Suppose further that a taking by condemnation reduces the size of one of the units by 50%. In such case, the common element interest of all the units will be reallocated so that the partially-taken unit has a 1/19 undivided interest in the common elements and the remaining 9 units each a 2/19 undivided interest in the common elements. Thus, the partially-taken unit has a common element interest equal to 1/2 of the common element interest allocated to each of the other units. Note that this is not equivalent to the partially-taken unit having a 5% undivided interest and the remaining 9 units each having a 10% undivided interest.

5. Even before the amendment formally acknowledging the reallocation of percentages required by this section is recorded, the reallocation is deemed to have occurred simultaneously with the taking. This rule is necessary to avoid the hiatus that otherwise could occur between the taking and reallocation of interest, votes, and liabilities.

RCW 64.34.070. SUPPLEMENTAL GENERAL PRINCIPLES OF LAW APPLICABLE.

This Act displaces existing law relating to condominiums and other law only as stated by specific sections and by reasonable implication therefrom. Moreover, unless specifically displaced by this statute, common law rights are retained. The listing given in this section is merely an illustration: no listing could be exhaustive.

RCW 64.34.080. UNCONSCIONABLE AGREEMENT OR TERM OF CONTRACT.

This section is similar to Section 2-302 of the Uniform Commercial Code. The rationale and comments provided in those sections are equally applicable to this section.

RCW 64.34.090. OBLIGATION OF GOOD FAITH.

This section sets forth a basic principle running throughout this Act: in condominium transactions, good faith is required in the performance and enforcement of all agreements and duties. Good faith, as used in this Act, means observance of two standards, "honesty in fact" and observance of reasonable standards of fair dealing. While the term is not defined, the term is derived from and used in the same manner as Sections 2-103(i)(b) and 7-404 of the Uniform Commercial Code.

RCW 64.34.200. CREATION OF CONDOMINIUM.

1. A condominium is created pursuant to this Act only by recording a declaration and survey map and plans. As with any instrument affecting real property, the declaration must be recorded in every county in which any portion of the condominium is located.

2. A condominium has not been lawfully created under this Act unless the requirements of this section have been complied with.

3. Mortgagees and other lienholders need not execute the declaration, and foreclosure of a mortgage or other lien will not, of itself, terminate the condominium. However, if that lien is prior to the declaration, the lienholder may exclude that real property from the condominium after foreclosure. See RCW 64.34.268(8) and (9). See also RCW 64.34.435(1) pertaining to the release of liens against a unit prior to the first conveyance of that unit.

4. RCW 64.34.200(2) requires that all units which are intended to be created by the recording of a declaration or amendment thereto be substantially completed in accordance with the survey map and plans required to be recorded by RCW 64.34.232. Because a condominium (and the units located therein) may only be created under RCW 64.34.200(1) by the recording of a declaration and related survey map and plans, RCW 64.34.200 prohibits the creation of "phantom" units; that is, units which may be described in the declaration but which are not then physically

in existence. Because RCW 64.34._____ prohibits the conveyance of an interest in a unit until a declaration is recorded, RCW 64.34.200 and RCW 64.34._____ effectively prohibit the conveyance of "phantom" units.

5. RCW 64.34.200(2) does not require that all units ultimately intended to be constructed within a condominium be completed when the initial declaration is recorded, but only that the units which will be created by the declaration recording be completed. For example, if ten of twenty proposed units are completed, a declaration may be recorded to create ten completed units with declaration amendments later being recorded to create the remaining units as they are completed.

6. The plans pertaining to units and the buildings in which the units may be located, which plans are required under RCW 64.34.232 and must be recorded simultaneously with the declaration under RCW 64.34.200(1), primarily focus on the vertical and horizontal boundaries of units, and thus do not reflect the kind of construction detail which is required for the issuance of a building permit or which must be completed before the issuance of a final certificate of occupancy. Thus, a condominium and units located therein may be created by the recording of a declaration and survey map and plans prior to all of the units being completed to the point of qualifying for the issuance of a final certificate of occupancy.

7. In addition to requiring substantial completion of all horizontal and vertical boundaries of units, RCW 64.34.200(2) also requires substantial completion of the "structural components and mechanical systems of all buildings containing or comprising any units". The intent of the subsection (2) is that if any buildings are depicted on the survey map and plans which are required by RCW 64.34.232, and these buildings contain or comprise spaces which become units by virtue of recording the declaration, the structural components and mechanical systems of these buildings must be substantially complete before the declaration is recorded. This is required even though the survey maps and plans recorded pursuant to RCW 64.34.232 depict only the boundaries of the buildings and the units created in those buildings, and not the structural components or mechanical systems (which need not be shown). If the boundaries of units are not depicted, of course, then no units are created. If the declarant fails to comply with this section, title is not affected.

The concept of "structural components and mechanical systems" is one commonly understood in the construction field and this comment is not intended as a comprehensive list of those components. For example, however, the term "structural components" is generally understood to include those portions of a building necessary to keep any part of the building from collapsing, and to maintain the building in a weathertight condition. This would include the foundations, bearing walls and columns, exterior walls, roof, floors and similar components. It would not include such components as interior non-bearing partitions, surface finishes, interior doors, carpeting, and the like. Similarly, typical examples of "mechanical systems" include the plumbing, heating, air conditioning and other like systems. Whether or not "electrical systems" are included within the meaning of the term depends on local practice.

8. "Substantial completion" is a well understood term in the construction industry. For example, the American Institute of Architects Document A201, General Conditions of the Contract for Construction (1976 Ed.) at para. 8.1.3, states:

The Date of Substantial Completion of the Work . . . is the date certified by the Architect when construction is sufficiently complete, in accordance with the Contract Documents (that is, the owner-contractor agreement, the conditions of the contract, and the specifications and all addenda and modifications), so the Owner can occupy or utilize the Work . . . for the use for which it is intended.

This standard is also one often used by building officials in issuing certificates of occupancy. It does not suggest that the unit is "entirely completed" as that term is understood in the construction industry; lesser details, such as sticking doors, leaking windows, or some decorative items, might still remain, and the Act contemplates that they need not be completed prior to lawful conveyance.

9. RCW 64.34.200(2) requires that completion certificates be recorded as evidence of the fact that the required levels of construction have been met. Although the completion certificate for boundaries must be signed by a licensed surveyor, the completion certificate for structural components and mechanical systems is

signed by the declarant. Once the certificates have been recorded, good title to the units may be conveyed in reliance on the record. It is possible, of course, that the declarant may have failed to completed the required levels of construction and the certificates filed may be false. Such acts might create a cause of action in the purchaser, but would not affect the validity of the purchaser's title to the condominium.

10. The requirement of "substantial completion" does not mean that the declarant must complete all buildings in which all possible units would be located before creating the condominium. If only some of the buildings in which units which may ultimately be located have been "structurally" completed, the declarant may create a condominium in which he reserves particular development rights. In such a project, only the completed units might be treated as units from the outset, and the development rights would be reserved to create additional units, either by adding additional real estate and units to the condominium, by creating new units on common elements, or by subdividing units previously created. The optional units may never be completed or added to the condominium; however, this will not affect the integrity of the condominium as originally created.

11. RCW 64.34.____ requires that, before any individual unit may be conveyed, the unit must be "substantially completed." A prospective unit purchaser, by agreement with the declarant, may complete much of the construction work, either directly or by the purchaser's contractor, so as to reduce the unit purchase price or to obtain more elaborate custom finish work. However, the fact that units may be created that are not completed does not alter a unit seller's obligation to comply with the requirements of RCW 64.34.443 (pertaining to express warranties) or RCW 64.34.445 (pertaining to implied warranties). Also, developers and lenders must continue to be sensitive to the completion requirements of the secondary mortgage market, particularly those of the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC).

12. The requirement of completion would be irrelevant in some types of condominiums comprised of units without physical boundaries, such as campsite condominiums or some subdivision condominiums where the units might consist of unimproved lots, and the airspace above them, within which each purchaser would be free to construct or not construct a residence. Any residence actually constructed would ordinarily become a part of the "unit" by the doctrine of fixtures, but nothing in this Act would require any residence to be built before the lots could be treated as units.

RCW 64.34.204. UNIT BOUNDARIES.

1. It is important for title purposes and other reasons to have a clear guide as to precisely which parts of a condominium constitute the units and which parts constitute the common elements. This section fills the gap left when the declaration merely defines unit boundaries in terms of floors, ceilings, and perimetric walls.

The provisions of this section may be varied to the extent that the declarant wishes to modify the details for a particular condominium.

For example, in a townhouse project structured as a condominium, it may be desirable that the boundaries of the unit constitute the exterior surfaces of the roof and exterior walls, with the centerline of the party walls constituting the perimetric boundaries of the units in that plane, and the undersurface of the bottom slab dividing the unit itself from the underlying land. Alternatively, the boundaries of the units at the party walls might be extended to include actual division of underlying land itself. In the second alternative, it would not be appropriate for walls, floors and ceilings to be designated as boundaries, and the declaration would describe the boundaries in the above manner. The differentiations made clear here, in conjunction with the provisions of RCW 64.34.328, will assist in minimizing disputes which have historically arisen in association administration with respect to liability for repair of such things as pipes, porches and other components of a building which unit owners may expect the association to pay for and which the association may wish to have repaired by unit owners. Problems which may arise as a result of negligence in the use of components--such as pipes--are resolved by RCW 64.34.328, which imposes liability on the unit owner who causes damage to common elements, or under the broader provisions of RCW 64.34.360(5), which

permits the association to assess common expenses "caused by the misconduct of any unit owner" exclusively against that owner. This would include, of course, not only damages to common elements, but fines or unusual service fees, such as clean-up costs, incurred as a result of the unit owner's misuse of common elements.

2. The differentiation between components constituting common elements and components which are part of the units is particularly important in light of RCW 64.34.324(1), which (subject to the exceptions therein mentioned) makes the association responsible for upkeep of common elements and each unit owner individually responsible for upkeep of his unit.

3. The differentiation between unit components and common element components may also be important for insurance purposes under this Act. See generally RCW 64.34.352 and RCW 64.34.360(3)(c) pertaining to insurance.

RCW 64.34.208. CONSTRUCTION AND VALIDITY OF DECLARATION AND BYLAWS.

1. Subsection (2) does not totally invalidate the rule against perpetuities as applied to condominiums. The language does provide that the rule against perpetuities is ineffective as to documents which would govern the condominium during the entire life of the project, regardless of how long that should be. With respect to deeds or devises of units, however, the policies underlying the rule against perpetuities continue to have validity and remain applicable under this Act.

2. In considering the effect of failures to comply with this Act on title matters, subsection (4) refers only to defects in the declaration and the survey map and plans, because the declaration and survey map and plans are the instruments which create and define the units and common elements. No reference is made to other instruments, such as bylaws, because these instruments have no impact on title, whether or not recorded. However, in all cases of violations of the Act, a failure of the bylaws--or any other instrument--to comply with the Act, would entitle any affected persons to appropriate relief under RCW 64.34.455.

3. No special prohibition against racial or other forms of discrimination is included in this Act because the provisions of generally applicable federal and state law apply as much to condominiums as to other forms of real property.

4. Some examples may help to clarify what sorts of defects in the declaration are to be regarded as "insignificant" within the meaning of the first sentence of subsection (4).

Suppose the declaration allocates common element interests to all the units, but fails to indicate the formula for the allocation as required by RCW 64.34.224. This would be a significant defect if the assigned interests were unequal, but if all units were assigned identical interests it would be possible to infer that the basis of allocation was equality--and the failure of the declaration to say so would be an insignificant defect. Were this to happen in a condominium where the right to add new units is reserved, however, it should be noted that a subsequent amendment to the declaration adding new units could not use any formula other than equality for reallocating the common element interests unless a different formula were specified pursuant to RCW 64.34.224(2).

Other examples of insignificant defects that might occur include failure of the declaration to include the word "condominium" in the name of the project, as required by RCW 64.34.216(1), or failure of the survey map and plans to comply satisfactorily with the requirement of RCW 64.34.232(1) that they be "clear and legible," so long as they can at least be deciphered by persons with proper expertise. Failure to organize the unit owners' association at the time specified in RCW 64.34.300 would not be a defect in the declaration at all, and would not affect the validity or marketability of titles in the condominium. It would, however, be a violation of this Act, and create a claim for relief under RCW 64.34.455.

5. Each state has case or statutory law dealing with marketability of titles, and the question of whether significant failures of the declaration to comply with the Act affect marketability of title should be determined by that law and not by this Act.

RCW 64.34.212. DESCRIPTION OF UNITS.

1. The intent of this section is that no description of a unit in a deed, lease, deed of trust, mortgage, or any other instrument or document shall be subject to challenge for failure to meet any common law or other requirements so long as the requirements of this section are satisfied, and so long as the declaration, together with the survey map and plans which are recorded with the declaration, provides a legally sufficient description.

2. This section makes clear that an instrument which does meet those requirements includes all interest appurtenant to the unit. As a result, it will not be necessary under this Act to continue the practice required by RCW 64.32.090(4) and (5) of describing the common element interests, or limited common elements, that are appurtenant to a unit in the instrument conveying title to that unit.

RCW 64.34.216. CONTENTS OF DECLARATION.

1. This Act seeks functionally to distinguish between the declaration and the public offering statement. It requires the declaration to contain only those matters which affect the legal structure or title to the condominium. This includes the reserved powers of the declarant to exercise development rights within the condominium. A list of these rights also is contained in the public offering statement. See RCW 64.34.410.

2. This section requires a statement of the name of the association for the condominium as well as the name of the condominium.

3. Subsection (1)(c) requires the declarant to state the number of units which the declarant has created and reserves the right to create. Unlike many current condominium statutes, this Act imposes no time limit, measured by an absolute number of years, within which the declarant must relinquish control of the association. Instead, declarant control ends when 75% of the maximum number of units which may be created by the declarant have been sold, or at the end of a 2-year period during which development or sales are not proceeding. See RCW 64.34.308(4). The flexibility afforded by this section may be important to a declarant when responding to unanticipated future changes in the market.

In theory, a declarant might overstate the maximum number of units in an attempt to artificially extend the period of declarant control, since the time might never come when a declarant has sold 75% of that number of units. As a practical matter, however, such a practice would not likely achieve long-term control.

However, there are practical constraints on the declarant's decision in this matter. Substantial exaggeration of the future density of the development might tend to impede sales of units in that project. Moreover, such a statement might also produce negative governmental reaction to proposals which might require local approval. Even if the declarant did overstate the number of units to retain control, however, other limitations imposed by RCW 64.34.308(4) will require turnover at an appropriate time.

4. Subsection (1)(d) requires that the boundaries of each unit created by the declaration be identified "if and to the extent they are different from the boundaries stated in RCW 64.34.204(1)". The words "created by the declaration" emphasize that in an expandable project, new units may be created in the future by amendments to the declaration. Until those new units are actually added to the project by amending the declaration, however, they are not units within the meaning of that defined term, and they need not be described.

5. RCW 64.34.204 makes it possible in many projects to satisfy subsection (1)(d) of this section by merely providing the identifying number of the units and stating that each unit is bounded by its ceiling, floor, and walls. The survey map and plans will show where those ceilings, floors, and perimeter walls are located, and RCW 64.34.204 provides all other details, except to the extent the declaration may make additional or contradictory specifications because of the nature of the project.

6. Subsection (1)(h) makes clear that the limited common elements described in RCW 64.34.204(2) and (4) need not be described in the declaration. These limited common elements are typically porches, balconies, patios, or other amenities which may be included in a project. Such improvements are treated by the Act as limited common elements, rather than either common elements or parts of units, in order to minimize the attention which the documents need to give them, and to

secure the result that would be desired in the usual case. Thus, if these improvements remain limited common elements, and no special provisions concerning them are included in the declaration, they may be used only by the units to which they are physically attached; maintenance of those improvements must be paid for by the association; and such improvements need not be specially referred to in the declaration. Porches, balconies, patios, parking spaces and storage areas must be shown on the survey map and plans (see RCW 64.34.232(2)(j)), but other limited common elements described in RCW 64.34.204(2) and (4) need not be shown.

7. Subsection (1)(i) contemplates that the common elements in the project may be allocated as limited common elements at some future time, either by the declarant or the association. For example, a swimming pool might serve an entire project during early phases of development. At the outset, that pool might be a common element which all the unit owners may use. At a later time, with more units and additional pools built in subsequent phases, either the declarant or the association might determine that the first pool should become a limited common element reserved for the use only of units in the first phase, while the other pools should be reserved exclusively for units in the subsequent phases. Such a potential allocation should be described in the declaration pursuant to this section.

8. Subsection (1)(j) requires the declaration to describe all development rights and other special declarant rights which the declarant reserves. The declaration must describe the real property to which each right applies, and state the time limit within which each of those rights must be exercised. The Act imposes no maximum time limit for the exercise of those rights, and the particular language of a declaration will vary from project to project depending on the requirements of each project. This Act contemplates that those rights may be exercised after the period of declarant control terminates.

9. The "conditions or limitations" referred to in RCW 64.34.216(1) are only those expressly set forth in the declaration.

10. Subsection (1)(p) is a cross-reference to other sections of the Act which require the declaration to contain particular matters. Some of these sections, such as RCW 64.34.224 on the allocations of allocated interests or RCW 64.34.232 on survey map and plans, will affect all projects. Others, such as RCW 64.34.220 on leasehold condominiums, will apply only to particular kinds of projects.

11. Subsection (3) contemplates that, in addition to the content required by subsection (1), other matters may also be included in the declaration if the declarant or lender feel they are appropriate to the particular project. In particular, the draftsman should carefully consider any desired provisions which would vary any of the many sections of the Act where variation is permitted, including such matters as expanding or restricting the association's powers. A list of sections which may be varied appears in the comment to RCW 64.34.030.

RCW 64.34.220. LEASEHOLD CONDOMINIUMS.

1. Subsection (1) requires that the lessor of any lease, which upon termination will terminate the condominium or reduce its size, must sign the declaration. This requirement insures that the lessor has consented to use of his land as a condominium.

2. This section sets out requirements concerning leasehold condominiums which are not typically contained in the statutes of most states. In particular, it requires that the declaration describe the rights of the unit owners, or state that they have no rights concerning a variety of significant matters. The section also contains a number of other consumer protection provisions. However, in contrast to the result under some states' laws, unit owners have no statutory right to renewal of a lease upon termination.

3. The most significant matter of consumer protection in this section is subsection (3), which provides that unit owners who pay their share of the rent of the underlying lease may not be deprived of their enjoyment of the leasehold premises, if the Declaration fails to provide for the collection by the association of the proportionate rents paid on the lease by unit owners.

4. Subsection (5) considers the problems created when termination of a lease reduces the size of a condominium. In the event that some units are thereby withdrawn from the condominium, reallocation of the allocated interests would be required; the section describes how that reallocation would occur.

RCW 64.34.224. ALLOCATION OF COMMON ELEMENT INTERESTS, VOTES, AND COMMON EXPENSE LIABILITIES.

1. RCW 64.32 requires a single common basis related to the "value" of the units to be used in the allocation of common element interests, votes in the association, and common expense liabilities. This Act departs radically from such requirements by permitting each of these allocations to be made on different bases, and by permitting allocations which are unrelated to value.

Thus, all three allocations might be made equally among all units, or in proportion to the relative size of each unit, or on the basis of any other formula the declarant may select, regardless of the values of those units. Moreover, "size" might be used, for example, in allocating common expenses and common element interests, while equality is used in allocating votes in the association. This section does not require that the formulas used by the declarant be justified, but it does require that the formulas be explained. The sole restriction on the formulas to be used in these allocations is that they not discriminate in favor of the units owned by the declarant or an affiliate of the declarant. Otherwise, each of the separate allocations may be made on any basis which the declarant chooses, and none of the allocations need be tied to any other allocation.

2. While the flexibility permitted in allocations is broader than that permitted by RCW 64.32, it is likely that the traditional bases for allocation will continue to be used, and that the allocations for all allocated interests will often be based on the same formulas. Most commonly, those bases include size, equality, or value of units. Each of these is discussed below.

3. If size is chosen as a basis of allocation, the declarant must choose between reliance on area or volume, and the choice must be indicated in the declaration. The declarant might further refine the formula by, for example, excluding unheated areas from the calculation or by partially discounting such areas by means of a ratio. Again, the declarant must indicate the choices he has made and explain the formulas he has chosen.

4. RCW 64.32 requires that "value" be used as the basis of all allocations. Under this Act a declarant is free to select such a basis if he wishes to do so. For example, he might designate the "par value" of each unit as a stated number of dollars or points. However, the formula used to develop the par values of the various units would have to be explained in the declaration. For example, the declaration for a high-rise condominium might disclose that the par value of each unit is based on the relative area of each unit on the lower floors, but increases by specified percentages at designated higher levels. The formula for determining area in this example could be further refined in the manner suggested in Comment 2, above, and any other factors (such as the direction in which a unit faces) could also be given weight so long as the weight given to each factor is explained in the declaration.

5. The purpose of subsection (2) is to afford some advance disclosure to purchasers of units in the first phase of a flexible condominium of how common element interests, votes and common expense liabilities will be reallocated if additional units are added.

6. Subsection (5) means what it says when it states that a lien or encumbrance on a common element interest without the unit to which that common element interest is allocated is void. Thus, consider the case of a flexible condominium in which there are 50 units in the first phase, each of which initially has a 2 percent undivided interest in the common elements. The declarant borrows money by mortgaging additional real property. When the declarant expands the condominium by adding phase 2 containing an additional 50 units, it reallocates the common element interests in the manner described in his original declaration, to give each of the 100 units a 1 percent undivided interest in the common elements in both phases of the condominium. At this point, the construction lender cannot have a lien on the undivided interest of phase 1 owners in the common elements of phase

2 because of the wording of the statute. Thus, the most that the construction lender can have is a lien on the phase 2 units together with their common element interests. The mortgage documents may be written to reflect the fact that upon the addition of phase 2 of the condominium, the lien on the additional real property will be converted into a lien on the phase 2 units and on the common element interest as they pertain to those units in both phase 1 and phase 2; however, see Comment to RCW 64.34.236.

Unless the lender also requires phase 2 to be designated as withdrawable real property, the phase 2 portion may not be foreclosed upon other than as condominium units and the construction lender may not dispose of phase 2 other than as units which are a part of the condominium. In the event that phase 2 is designated as withdrawable land, then the construction lender may force withdrawal of phase 2 and dispose of it as it wishes, subject to the provisions of the declaration. If one unit in phase 2, however, has been sold to anyone other than the declarant, then phase 2 ceases to be withdrawable land by operation of RCW 64.34.236(4)(b).

7. If a unit owned only by the declarant—as opposed to the same unit if owned by another person—may be subdivided into 2 or more units but cannot be converted in whole or in part into common elements, it is still a unit that may be subdivided or converted into 2 or more units or common elements, within the meaning of the definition of development rights, and is not governed by RCW 64.34.248 (Subdivision of Units).

8. This section recognizes that there may be certain instances in which class voting in the association would be desirable. For example, in a mixed-use condominium consisting of both residential and commercial units, there may be certain kinds of issues upon which the residential or commercial unit owners should have a special voice. To prevent abuse of class voting by the declarant, subsection (3) permits class voting only with respect to specified issues directly affecting the designated class and only insofar as necessary to protect valid interests of the designated class.

EXAMPLE:

Owners of town house units, in a single project consisting of both town house and high-rise buildings, might properly constitute a separate class for purposes of voting on expenditures affecting just the town house units, but they might not be permitted to vote by class on rules for the use of facilities used by all the units.

The subsection further provides that the declarant may not use the class voting device for the purpose of evading any limitation imposed on declarants by this Act (e.g., to maintain declarant control beyond the period permitted by RCW 64.34.308).

9. The last clause of subsection (3) prohibits a practice common in the planned community or other non-condominium multi-ownership projects, where units owned by declarant constitute a separate class of units for voting and other purposes. Upon transfer of title, those units lose these more favorable voting rights. This section makes clear that the votes and other attributes of ownership of a unit may not change by virtue of the identity of the owner. In those circumstances which such classes were legitimately intended to address, principally control of the association, the Act provides other, more balanced devices for declarant control. See RCW 64.34.308(4).

RCW 64.34.228. LIMITED COMMON ELEMENTS.

1. Like all other common elements, limited common elements are owned in common by all unit owners. The use of a limited common element, however, is reserved to less than all of the unit owners. Unless the declaration provides otherwise, the association is responsible for the upkeep of a limited common element and the cost of such upkeep is assessed against all the units. See RCW 64.34.328(1) and RCW 64.34.260(3)(a). This might include the costs of repainting all shutters, or balconies, for example, which are limited common elements pursuant to RCW 64.34.204(4). Accordingly, there may be occasions where, to meet the expectations of owners and to have costs borne directly by those who benefit from those amenities, the declaration might provide that the costs will be borne, not by all unit owners as part of their common expense assessments, but only by the owners to which the limited common elements are assigned.

2. Even common elements which are not "limited" within the meaning of this Act may nevertheless be restricted by the unit owners' association pursuant to the powers set forth in RCW 64.34.304(i) and (j), unless that power is limited in the declaration. For example, the association might assign reserved parking spaces to designated unit owners, or even to persons who are not unit owners. Such a parking space would differ from a limited common element in that its use would be merely a personal right of the person to whom it is assigned and this section would not have to be complied with to allocate it or to reallocate it.

3. Because a mortgage or deed of trust may restrict the borrower's right to transfer the use of a limited common element without the lender's consent, the terms of the encumbrance should be examined to determine whether the lender's consent or release is needed to transfer that right of use to another person.

RCW 64.34.232. SURVEY MAP AND PLANS.

1. The terms "survey map" or "plan" have been given a variety of meanings by custom and usage in the various jurisdictions. Under this Act, it is important to recognize that a "survey map" means a "survey" of the entire real property constituting a project at the time the initial survey map is recorded, including not only the land within the condominium initially created but also any land which may later be added to the condominium.

As to "plan," the Act does not use that term to mean the actual building plans used for construction of the project. Instead, the required content of the plans in this act is described in subsection (4). Essentially, the plans constitute a boundary survey of each unit. Typically, the walls will be the vertical ("up and down" or "perimetric") boundaries, and the floors and ceilings will be the horizontal boundaries. Importantly, these boundaries need not be physically measured, but may instead be projected from the survey map or from actual building construction plans. Thus, the plans under this Act are not conceived to be "as built" plans.

2. Subsection (3) permits, but does not require, the survey map to show the location of contemplated improvements. Since construction of contemplated improvements by a declarant involves the exercise of development rights, a declarant may not create any improvement within real property where no development rights have been reserved, unless the survey map actually show that proposed improvement or unless the association (which the declarant may control) makes the improvement pursuant to RCW 64.34.304(1)(q). Should the association attempt that improvement, in the face of unit owner's objections, it may involve risk of challenge. Within land subject to development rights, of course, construction may take place in accordance with the reserved rights, even if no contemplated improvements are shown on the survey map. As to the declarant's obligation to complete an improvement that is shown, see RCW 64.34.465(1).

3. As noted in the Comments to RCW 64.34.200, a condominium unit may consist of unenclosed ground and/or airspace, with no "building" involved. If this were true of all units in a particular condominium, the provisions of RCW 64.34.232 relating to plans (but not survey maps) would be inapplicable.

4. Subsection (2)(c) requires that the boundaries of real property which is subject to development rights must be identified. Since different portions of the real property may be subject to differing development rights—for example, only a portion of the total real property may be added as well as withdrawn from the project—the plan must identify the rights applicable to each portion of that real property. The same reasoning applies to the location and dimensions of easements affecting the condominium and any leasehold real property in subsection (2)(e).

5. Subsection (6) describes the amendments to the survey map and plans which must be made as development rights are exercised. This section requires that the survey map and plans be amended at each stage of development to reflect actual progress to date.

6. The terms "horizontal" and "vertical" are now commonly understood in condominium parlance to refer, respectively, to "upper and lower" and "lateral or perimetric." Thus, RCW 64.34.204 contemplates that the perimetric walls may be designated as the "vertical" boundaries of a unit and the floor and ceiling as its "horizontal" boundaries. That is the sense in which the words "horizontal" and "vertical" are to be understood in this section and throughout this Act.

7. RCW 64.34.460 and RCW 64.34.465 reveal the effect of labeling an improvement "MUST BE BUILT" or "NEED NOT BE BUILT," as required by subsection (3).

RCW 64.34.236. EXERCISE OF DEVELOPMENT RIGHTS.

1. This section generally describes the method by which any development right may be exercised. Importantly, while new development rights may be reserved within real property which is added to the condominium, the original time limits on the exercise of these rights which the declarant must include in the original declaration may not be extended. Thus, the development process may continue only within the self-determined constraints originally described by the declarant.

2. The reservation and exercise of development rights is and must be closely coordinated with financing for the project. As a result, lender review and control of that process is common, and the financing documents often reflect the proposed development process.

A typical construction loan mortgage on a portion of a phased condominium might provide that as soon as new units are built on new land to be added (or if the portion is also designated withdrawable land, as soon thereafter as anyone other than the declarant becomes the unit owner of a unit in the withdrawable land) the mortgage on that land converts into a mortgage on all of the units located within that portion, together with their respective common element interests. The common element interest of those units will, of course, extend to the common elements in other sections of the condominium. However, failure of a construction loan mortgage to so provide is inconsequential, because conveyance of the units in that phase to the lender or to a purchaser at a foreclosure sale would automatically transfer all of those units' common element interests, as a result of the requirements of RCW 64.34.224(5) and RCW 64.34.236(1).

3. A lender who holds a mortgage lien on one portion of a condominium may not cause that portion to be withdrawn from the condominium unless the portion constitutes withdrawable real property in which there is no unit owner other than the declarant. Even then, the amendment effectuating the withdrawal must be executed by the declarant. Consequently, unless the lender wishes to become a declarant subsequent to foreclosure or a deed in lieu of foreclosure in order to execute the amendment, or forecloses in order to require an amendment from the association under RCW 64.34.268(8), a lender might require that the signed amendment be delivered with the deed in lieu of foreclosure.

4. As indicated in the Comments to RCW 64.34.050, the withdrawal of real property from a condominium may constitute a subdivision of land under the applicable subdivision ordinance. Under most subdivision ordinances, the owner of the real property is regarded as the "subdivider." In the event of a withdrawal under this section, however, the declarant is in fact the subdivider because of his unique interest in and control over the real property, even though the real property, for title purposes, is a common element until withdrawn. Accordingly, the declarant would bear the cost of compliance with any subdivision ordinance required to withdraw a part of the real property from the condominium.

5. Subsection (3) deals with special problems surrounding allocated interests when the declarant subdivides or converts units which were originally created in the declaration into additional units, common elements or both. This development right permits the declarant to defer a final decision as to the size of certain units by permitting the subdivision of larger interior spaces into smaller units. The declarant may thus "build to suit" for purchasers' needs or to meet changing market demand. The concept is called "convertible space" in several existing state statutes.

For example, a declarant of a 5-story office building condominium may have purchasers committed at the time of the filing of the condominium declaration but a lack of purchasers for the upper 2 floors. In such a circumstance, the declarant could designate the upper 2 floors as a unit, reserving to himself the right to subdivide or convert that unit into additional units, common elements or a combination of units and common elements as needed to suit the requirements of ultimate purchasers.

If, at a later time, a purchaser wishes to purchase half of one floor as a unit, the declarant could exercise the development right to subdivide his 2-floor unit into 2

or more units. He may also wish to reserve a portion of the divided floor as a corridor which will constitute common elements. In that case, he would proceed pursuant to this subsection to reallocate the allocated interests among the units in the manner described in this section.

Alternatively, the declarant may ultimately decide that the entire 2 floors should be turned over to the unit owners' association not as a unit but as common elements to be used perhaps as a cafeteria serving the balance of the building, or for retail space to be rented by the association. In that case, should he choose to make the entire 2 floors common elements, the provisions of subsection (3)(a) would apply.

RCW 64.34.240. ALTERATIONS OF UNITS.

1. This section deals with permissible alterations of the interior of a unit, and impermissible alterations of the exterior of a unit and the common elements, in ways which reflect common practice. The stated rules, of course, may be varied by the declaration where desired.

2. Subsection (3) deals in a unique manner with the problem of creating access between adjoining units owned by the same person. The subsection provides a specific rule which would permit a door, stairwell, or removal of a partition wall between those units, so long as structural integrity is not impaired. That alteration would not be an alteration of boundaries, but would be an exception to the basic rule stated in subsection (2).

3. In considering permissible alteration of the interior of a unit, an example may be useful. A nail driven by a unit owner to hang a picture might enter a portion of the wall designated as part of the common elements, but this section would not be violated because structural integrity would not be adversely affected. More over, no trespass would be committed because each unit owner, as a part owner of the common elements, has a right to utilize them subject only to such restrictions as may be created by the Act, the declaration, bylaws, and the unit owners' association pursuant to RCW 64.34.304.

4. Removal of a partition or the creation of an aperture between adjoining units would permit the units to be used as one, but they would not become one unit. They would continue to be separate units within the meaning of RCW 64.34.020(31) and would continue to be treated separately for the purposes of this Act.

5. In addition to the restrictions placed on unit owners by this section, the declaration or bylaws may restrict a unit owner from altering the interior appearance of his unit. Although this might be an undue restriction if imposed upon the primary residence of a unit owner, it may be appropriate in the case of timeshare or other condominiums.

RCW 64.34.244. RELOCATION OF BOUNDARIES BETWEEN ADJOINING UNITS.

This section contemplates that, upon relocation of the unit boundaries, no reallocation of allocated interest will occur if none is specified in the application. If a reallocation is specified but the board of directors deems it unreasonable, then the applicants have the choice of resubmitting the application with a reallocation more acceptable to the board, or going to court to challenge the board's finding as unreasonable.

RCW 64.34.248. SUBDIVISION OF UNITS.

1. This section provides for subdivision of units by unit owners, thereby creating more and smaller units than were originally created. The underlying policy of this section is that the original development plan of the project must be followed, and the expectations of unit owners realized. Accordingly, unless subdivision of the units is expressly permitted by the original declaration, a unit may not be subdivided into 2 or more units unless the declaration is amended to permit it. A subdivision itself is accomplished by an amendment to the declaration.

2. At the same time, situations will often occur where future subdivision is appropriate, and this section permits the declaration to provide for it.

An analogous concept in the context of development rights is subdivision of units by a declarant. The development right is described in RCW 64.34.236.

RCW 64.34.252. MONUMENTS AS BOUNDARIES.

This section recognizes the fact that the actual physical boundaries of a unit may differ somewhat from what is shown on the survey map and plans. This section makes the title lines move to follow movement of the physical boundaries caused by such discrepancies or subsequent settling or shifting.

RCW 64.34.256. USE BY DECLARANT.

1. This section prescribes the circumstances under which portions of the condominium—either units or common elements—may be used for sales offices, management offices, or models. The basic requirement is that the declarant must describe its rights to maintain such offices in the declaration. There are no limitations on that right, so that either units owned by the declarant or other persons, or the common elements themselves, may be used for that purpose. Typical common element uses might include a sales booth in the lobby of the building, or a trailer or temporary building located outside the buildings on the grounds of the property.

2. In addition, this section contains a permissive provision permitting advertising on the common elements. The declarant may choose to limit its rights in terms of the size, location, or other matters affecting the advertising. The Act, however, imposes no limitation. At the same time, the last sentence of the section recognizes that state or local zoning or other laws may limit advertising, both in terms of size and content of the advertising, or the use of the units or common elements for such purposes. This section makes it clear that local law would apply in those cases, but subject to RCW 64.34.050 limitations.

RCW 64.34.260. EASEMENT RIGHTS.

1. This section grants to declarant an easement across the common elements, subject to any self-imposed restrictions on that easement contained in the declaration. At the same time, the easement is not an easement for all purposes and under all circumstances, but only a grant of such rights as may be reasonably necessary for the purpose of exercising the declarant's rights. Thus, for example, if other access were equally available to the land where new units are being created, which did not require the declarant's construction equipment to pass and repass over the common elements in a manner which significantly inconvenienced the unit owners, a court might apply the "reasonably necessary" test contained in this section to consider limitations on the declarant's easement. The rights granted by this section may be enlarged by a specific reservation in the declaration.

2. The declarant is also required to repair and restore any portion of the condominium used for the easement granted under this section. See RCW 64.34.465(2).

RCW 64.34.264. AMENDMENT OF DECLARATION.

1. This section recognizes that the declaration, as the perpetual governing instrument for the condominium, may be amended by various parties at various times in the life of the project. The basic rule, stated in subsection (1), is that the declaration, including the survey map and plans, may only be amended by vote of 67% of the unit owners. The section permits a larger percentage to be required by the declaration, and also recognizes that, in an entirely non-residential condominium, a smaller percentage might be appropriate.

In addition to that basic rule, subsection (1) lists those other instances where the declaration may be amended by the declarant alone without association approval, or by the association acting through its board of directors.

2. RCW 64.34.030 does not permit the declarant to use any device, such as powers of attorney executed by purchasers at closings, to circumvent requirement in RCW 64.34.264(4) of 90% consent. This section does not supplant any requirements of common law or of other statutes with respect to conveyancing if title to real property is to be affected.

3. Subsection (5) describes the mechanics by which amendments recorded by the association are filed, and resolves a number of matters often neglected by bylaws.

4. Subsection (6) prohibits elimination or modifying a special declarant right without the consent of the declarant and any mortgagee of record having a security interest in the right.

RCW 64.34.268. TERMINATION OF CONDOMINIUM.

1. While few condominiums have yet been terminated under present state law, a number of problems are certain to arise upon termination which have not been adequately addressed by RCW 64.32. These include such matters as the percentage of unit owners which should be required for termination; the time frame within which written consents from all unit owners must be secured; the manner in which common elements and units should be disposed of following termination, both in the case of sale and non-sale of all of the real property; the circumstances under which sale of units may be imposed on dissenting owners; the powers held by the Board of Directors on behalf of the association to negotiate a sales agreement; the practical consequences to the project from the time the unit owners approve the termination until the transfer of title and occupancy actually occurs; the impact of termination on liens on the units and common elements; distribution of sales proceeds; the effect of foreclosure or enforcement of liens against the entire condominium with respect to the validity of the project; and other matters.

2. Recognizing that unanimous consent from all unit owners would be impossible to secure as a practical matter on a project of any size, subsection (1) states a general rule that 80% consent of the unit owners would be required for termination of a project. The declaration may require a larger percentage of the unit owners and, in a non-residential project, it may also require a smaller percentage. Pursuant to RCW 64.34.272 (Rights of Secured Lenders), lenders may require that the declaration specify a larger percentage of unit owner consent or, more typically, will require the consent of a percentage of the lenders before the project may be terminated.

3. As a result of subsection (3), unless the declaration requires unanimous consent for termination, the declarant may be able to terminate the condominium despite the unanimous opposition of other unit owners if the declarant owns units to which the requisite number of votes are allocated. Such a result might occur, for example, should a declarant be unable to continue sales in a project where some sales have been made.

4. Subsection (2) describes the procedure for execution of the termination agreement. It recognizes that not all unit owners will be able to execute the same instrument, and permits execution or ratification of the master termination agreement. Since the transfer of an interest in real property is being accomplished by the agreements, each of the ratifications must be executed in the same manner as a deed. Importantly, the agreement must specify the time within which it will be effective; otherwise, the project might be indefinitely in "limbo" if ratifications had been signed by some, but not all, required unit owners, and the signing unit owners fail to revoke their agreements. Importantly, the agreement becomes effective only when it is recorded.

5. Subsection (3) deal with the question of when all the real property in the condominium, or the common elements, may be sold without unanimous consent of the unit owners.

6. Subsection (4) describes the powers of the association during the pendency of the termination proceedings. It empowers the association to negotiate for the sale, but makes the validity of any contract dependent on unit owner approval. This section also makes clear that, upon termination, title to the real property shall be held by the association, so that the association may convey title without the necessity of each unit owner signing the deed. Finally, this section makes clear that, until the association delivers title to the condominium property, the project will continue to operate as it had prior to the termination, thus insuring that the practical necessities of operation of the real property will not be impaired.

7. Subsection (5) contemplates the possibility that a condominium might be terminated but the real property not sold. While this is not likely to be the usual case, it is important to provide for the possibility.

8. A complex series of creditors' rights questions may arise upon termination. Those questions involve competing claims of first mortgage holders on individual units, other secured and unsecured creditors of individual unit owners, judgment creditors of the association, creditors of the association to whom a security interest

in the common elements has been granted, and unsecured creditors of the association. Subsection (6) attempts to establish general rules with respect to these competing claims, but leaves to state law the resolution of the priorities of those competing claims.

9. Subsection (7)(a) departs significantly from RCW 64.32. Under that act the proceeds of the sale of the entire project are distributed upon termination to each unit owner in accordance with the common element interest which was allocated at the outset of the project. Of course, in an older development, those original allocations will bear little resemblance to the actual value of the units. For that reason, the Act adopts an appraisal procedure for distribution of the sales proceeds. As suggested in the examples on the distribution of proceeds, this appraisal may dramatically affect the amount of dollars actually received by unit owners. Accordingly, it is likely the appraisal will be required to be distributed prior to the time the termination agreement is approved, so that unit owners may understand the likely financial consequences of the termination.

10. Subsection (7)(b) is an exception to the "fair market value" rule. It provides that, if appraisal of any unit cannot be made, either through pictures or comparison with other units, so that any unit's appropriate share in the overall proceeds cannot be calculated, then the distribution will fall back on the only objective, albeit artificial, standard available, which is the common element interest allocated to each unit.

11. Foreclosure of a mortgage or other lien or encumbrance does not automatically terminate the condominium, but, if a mortgagee or other lienholder (or any other party) acquires units with a sufficient number of votes, that party can cause the condominium to be terminated pursuant to subsection (1) of this section.

12. A mortgage or deed of trust on a condominium unit may provide for the lien to shift, upon termination, to become a lien on what will then be the borrower's undivided interest in the whole property. However, such a shift would be deemed to occur even in the absence of express language, pursuant to subsection (6).

13. With respect to the association's role as trustee under subsection (6), see RCW 64.34.376.

14. If an initial appraisal made pursuant to subsection (7) were rejected by vote of the unit owners, the association would be obligated to secure a new appraisal.

15. "Foreclosure" in subsection (8) includes deeds in lieu of foreclosure, and "liens" includes tax and other liens on real property which may be converted or withdrawn from the project. See RCW 64.34.020(19).

16. The termination agreement should adopt or contain any restrictions, covenants and other provisions for the governance and operation of the property formerly constituting the condominium which the owners deem appropriate. These might closely parallel the provisions of the declaration and bylaws. This is particularly important in the case of a condominium which is not to be sold pursuant to the terms of the termination agreement. In the absence of such provisions, the general law of the state governing tenancies in common would apply.

17. Subsection (9) recognizes the possibility that a pre-existing lien might not have been released prior to the time the condominium declaration was recorded. In the absence of a provision such as subsection (9), recordation of the declaration would constitute a changing of the priority of those liens; and it is contrary to all expectations that a prior lienholder may be involuntarily subjected to the condominium documents. For that reason, this section permits the nonconsenting prior lienholder upon foreclosure to exclude the withdrawable real property subject to its lien from the condominium.

RCW 64.34.272. RIGHTS OF SECURED LENDERS.

1. In a number of instances, particularly sale or encumbrance of common elements, or termination of a condominium, a lender's security may be dramatically affected by acts of the association. For that reason, this section permits ratification of those acts of the association which are specified in the declaration as a condition of their effectiveness.

2. There are three important limitations on the rights of lender consent. They are: (1) a prohibition on control over the general administrative affairs of the association; (2) restrictions on control over the association's powers during litigation or other proceedings; and (3) prohibition of receipt or distribution of insurance proceeds prior to application of those proceeds for rebuilding.

3. It is important that lenders not be able to step in and unilaterally act as receiver or trustee of the association. There may, of course, be occasions when a court of competent jurisdiction would order appointment of a receiver for an association. While this would be possible in a court proceeding, the Act prohibits private contractual granting of such a power.

4. Since it may well be that the association might find itself involved in litigation which would be adverse to the interests of the lender or the declarant, it is inappropriate for a secured party to be able to control the course of litigation in the absence of the consent of the other parties. In an appropriate case, of course, where the lenders' interests are affected, a lender might seek to intervene as a party in that proceeding.

5. RCW 64.34.352 provides for the distribution of insurance proceeds in a particular manner. In particular, it prevents distribution of those proceeds to lenders until the intended purpose of the insurance has been met. For that reason, under this section the declaration may not provide the lender a right to receive insurance proceeds in any manner except the manner provided in RCW 64.34.352.

6. In addition to the provision of the declaration, the provisions of individual mortgages of units may require that unit owner to secure his lender's consent before taking particular actions.

RCW 64.34.276. MASTER ASSOCIATIONS.

1. It is very common in large or multi-phased condominiums, particularly those developed under existing laws, for the declarant to create a master or umbrella association which provides management services or decision-making functions for a series of smaller condominiums. While it is expected that this phenomenon will be less necessary under this Act because of the permissible period of time for declarant control over the project, it is nonetheless possible in larger developments that this form of management will continue.

2. Subsection (1) states the general rule that the powers of a unit owners' association may only be exercised by, or delegated to, a master association if the declaration for the condominium permits that result. The declaration may have originally provided for a master association; alternatively, the unit owners of several condominiums may amend their declarations in similar fashion to provide for this power. Subsection (1) makes it clear that, if any of the powers of the unit owners' association may be exercised by, or delegated to, a master association, all other provisions of this Act which apply to a unit owners' association apply to that master association except as modified by this section. Accordingly, such provisions on notice, voting, quorums, records, meetings, and other matters which apply to the unit owners' association would apply with equal validity to such a master association.

3. Subsection (2) changes the usual presumption with respect to the powers of the unit owners' association, except in those cases where the master association is actually acting as the only association for one or more condominiums. In those cases where it is not so acting, however, the only powers of the unit owners' association which the master association may exercise are the ones expressly permitted in the declaration or in the delegation of power. This is in significant contrast with the rule of RCW 64.34.304 that all of the powers described in that section may be exercised unless limited by the declaration.

4. Subsection (3) clarifies the liability of the members of the executive board of a unit owners' association when the condominium for which the unit owners' association acts has delegated some of its powers to a master association. In that instance, subsection (3) makes it clear that the members of the executive board of the unit owners' association have no liability for acts and omissions of the master association board; under subsection (1), that liability lies with the members of the master association.

5. Subsection (4) addresses the question of the rights and responsibilities of the unit owners in their dealings with the master board. A variety of sections enumerated in subsection (4) provide certain rights and powers to unit owners in their dealings with their association. In the affairs of the master association, however, it would be incongruous for the unit owners to maintain those same rights if those unit owners were not in fact electing the master board. Thus, for example, the question of election of directors, meetings, notice of meetings, quorums, and other matters enumerated in those sections would have little meaning if those sections were read literally when applied to a master board which was not elected by all members of the condominiums subject to the master board. For that reason, the rights of notice, voting, and other rights enumerated in the Act are available only to the persons who actually elect the board.

6. Subsection (5) recognizes that there may be reasons for a representative form of election of directors of the master association. Alternatively, there may be cases where at-large election is reasonable. For that reason, subsection (5) provides that, after the period of declarant control has terminated, there may be 4 ways of electing the master association board. Those four ways are: (1) at-large election of the master board among all the condominiums subject to the master association; (2) at-large election of the master board only among the members of the boards of directors of all condominiums subject to the master association; (3) each condominium might have designated positions on the master board, and those spaces could be filled by an at-large election among all the members of each condominiums; or (4) the designated positions could be filled by an election only among the members of the executive board of the unit owners' association for each condominium. It would only be in the case of an at-large election of the master board among all condominiums that subsection (4) would have no relevance.

RCW 64.34.280. MERGER OR CONSOLIDATION OF CONDOMINIUMS.

1. There may be circumstances where condominiums may wish to merge or consolidate their activities by the creation of a single condominium; this section provides for that possibility.

Subsection (1) makes it clear that a merger or consolidation may occur by the same vote of the unit owners necessary to terminate the condominium. If 2 or more condominiums are merged or consolidated, the resulting condominium is for all purposes the legal successor of the pre-existing condominiums, with a single association for all purposes. In the event condominiums did not wish to completely merge or consolidate their affairs, it would also be possible for them to create a master association pursuant to RCW 64.34.276.

2. Under subsection (2), the merger or consolidation agreement is treated for recording purposes as an amendment to the declaration, and the same requirements for approval are mandated as for termination.

3. Subsection (3) does not state a minimum requirement for the contents of a merger or consolidation agreement, and any additional clauses not inconsistent with subsection (3) may be included. The important point that subsection (3) makes is that the reallocation of the common element interests, common expense liabilities and votes in the new association must be carefully stated.

Subsection (3) states 2 alternative rules in this respect. First, the reallocations may be accomplished by stating specifically the allocation of common element interests, common expense liability, and votes in the association to each unit, or by stating the formulas by which those interests may be allocated to each unit in all of the pre-existing condominiums.

Alternatively, the merger or consolidation agreement may state the percentage of overall common element interests, common expense liabilities, and votes in the association allocated to "all of the units comprising each of the pre-existing condominiums." The agreement might then also provide that the portion of the percentage allocated to each unit from among the shares allocated to each condominium will be equal to the percentage of common expense liability and votes in the association allocated to that unit by the declaration of the pre-existing condominium. An example of how this alternative formulation would operate may be useful.

EXAMPLE:

Assume that 2 adjoining condominiums wish to merge their activities into one condominium. Assume that the first condominium consists of 10 one-bedroom units, with an annual budget of \$10,000. Assume further that each of the units, being identical, has a common element interest of 10%, equal common expense liability of 10%, and one vote per unit.

The second condominium consists of 40 units, with 20 2-bedroom units and 20 3-bedroom units. The budget of the second condominium consists of \$70,000 per year. Each of the 2-bedroom units has been allocated a 2% interest in the common element and a 2% common expense liability, while each of the 3-bedroom units has been allocated a 3% interest in the common elements, and a 3% common expense liability. Finally, each of the units in the second condominium also has an equal vote.

There is no provision in the Act which mandates a particular allocation among condominiums 1 and 2 as to either common element interest, common expense liabilities or votes. Should the unit owners wish to retain similarity to their previous common element interests and common expense liabilities, however, and should they wish to retain equal voting in a merged project, it would be possible for them, pursuant to subsection (3)(b), to state "the percentage of overall allocated interests of the new condominium" as follows: as to common element interests and common expense liabilities, they might allocate 12.5% of those interests in the merged project to condominium 1, and 87.5% thereof to condominium 2. If the agreement further provided that "the portion of the percentages allocated to each unit formerly comprising a part of the pre-existing condominium must be equal to the percentages of allocated interests allocated to that unit by the declaration of the pre-existing condominium" as required by subsection (3), each unit in condominium 1 would then have allocated to it 1.25% of both the common element interests and common expense liabilities in the new condominium. It happens that 1.25% of the common expenses of a merged condominium which has a budget of \$80,000 equals \$1,000.

Under the same rationale, if each of the 2-bedroom units in the second condominium, to which were formerly allocated 2% of the common element interests and common expense liabilities, now has allocated 2% of the 87.5% allocated to the second condominium, each of those units would then have allocated to it 1.75% of the common element interest and common expense liabilities of the new condominium. 1.75% of \$80,000 is \$1,400. Similarly, each of the 3-bedroom units would then have allocated to it 2.625% of the common element interest and common expense liabilities in the merged condominium. That percentage of the common expense liabilities of \$80,000 would yield an annual cost of \$2,100, the same cost as previously obtained in this condominium.

Further, the unit owners are free to allocate votes among the units in any way which they see fit. Of course, if they choose to allocate equal votes to all the units, which was the method previously used in both condominiums, this would have the effect of giving 20% of the votes to condominium 1, even though condominium 1 had only 12.5% of the common expense liabilities. It may be, however, that this tracks with the expectations of the unit owners in both condominiums. Alternatively, condominium 1 might be allocated 12.5% of the votes, which, when divided up among the 10 units, would give each one-bedroom unit a .125 vote. If 87.5% of the votes were allocated equally among the unit owners in the second condominium, then each of the unit owners in condominium 2 would have .21875 votes.

If some other configuration was to be desired, then the allocations would of necessity be made pursuant to subsection (3)(a) rather than (3)(b).

RCW 64.34.300. ORGANIZATION OF UNIT OWNERS' ASSOCIATION.

1. The first purchaser of a unit is entitled to have in place the legal structure of the unit owners' association. The existence of the structure clarifies the relationship between the declarant and other unit owners and makes it easy for the declarant to involve unit owners in the governance of the condominium even during a period of declarant control reserved pursuant to RCW 64.34.308(4).

2. Unlike RCW 64.32, which allows the association to be organized as an unincorporated association, the Washington Condominium Act requires the association to be organized as a profit or non-profit corporation.

RCW 64.34.304. POWERS OF UNIT OWNERS' ASSOCIATION.

1. This section permits the declaration, subject to the limitations of subsection (2), to include limitations on the exercise of any of the enumerated powers.

2. Required provisions of the bylaws of the association, referenced in subsection (1), are set forth in RCW 64.34.324.

3. The Act gives the association the power to sue and be sued in its own name. In the absence of a statutory grant of standing such as that set forth in subsection (d), some courts in other jurisdictions have held that the association, because it has no ownership interest in the condominium, has no standing to bring, defend, or to intervene in litigation or administrative proceedings in its own name.

4. Subsection (h) refers to the power granted by RCW 64.34.348 to sell or encumber common elements without a termination of the condominium upon a vote of the requisite number of unit owners. Subsection (i) permits the association to grant easements, leases, licenses, and concessions with respect to the common elements and to petition for or consent to the vacation of streets and alleys without a vote of the unit owners.

5. The powers granted the association in subsection (k) to impose charges for late payment of assessments and to levy reasonable fines for violations of the association's rules reflect the need to provide the association with sufficient powers to exercise its "governmental" functions as the ruling body of the condominium community. The power to impose sanctions for violations of the association's governing documents is subject to a requirement of minimum "due process" for the accused violator. These due process procedures include notice of the alleged violation and an opportunity for a hearing before either the board of directors or another person or body which has been designated by the board of directors to conduct the hearing. This section also requires that the procedures for enforcement be set forth in the association's governing documents and that the board of directors has previously adopted a fine schedule and communicated it to the owners. The powers granted under this subsection are intended to be in addition to any rights which the association may have under other law.

6. Under subsection (n), the declaration may provide for the assignment of income of the association, including common expense assessment income, as security for, or payment of, debts of the association. The power may be limited in any manner specified in the declaration—for example, the power might be limited to specified purposes such as repair of existing structures, or to income from particular sources such as income from tenants, or to a specified percentage of common expense assessments. The power, in many instances, should help materially in securing credit for the association at favorable interest rates. The inability of associations to borrow because of a lack of assets, in spite of its income stream, has been a significant problem.

7. An association may, pursuant to subsection (p), exercise all other powers which may be exercised by a corporation of the same type. Inconsistent provisions of state corporation law are controlled by the provisions of this Act, as provided in RCW 64.34.070 and RCW 64.34.300.

RCW 64.34.308. BOARD OF DIRECTORS AND OFFICERS.

1. Subsection (1) makes members of the board of directors appointed by the declarant liable as fiduciaries of the unit owners with respect to their actions or omissions as members of the board. This provision imposes a very high standard of duty because the board is vested with great power over the property interests of unit owners, and because there is a great potential for conflicts of interest between the unit owners and the declarant.

Officers and board members elected by the unit owners are required only to exercise ordinary and reasonable care. This lower standard of care should increase the willingness of unit owners to serve as officers and members of the board.

2. The provisions of subsection (3) permit the unit owners to disapprove any proposed budget, but a rejection of the budget does not result in cessation of assessments until a budget is approved. Rather, assessments continue on the basis of the last approved periodic budget until the new budget is in effect. Failure of the board to provide the budget summary and to call an owners' meeting automatically functions as a rejection of the budget by the owners.

3. Subsections (4) and (5) recognize the practical necessity for the declarant to control the association during the developmental phases of a condominium project. However, any board member appointed by the declarant is liable as a fiduciary to any unit owner for that director's acts or omissions in such capacity.

4. Subsection (4) permits a declarant to surrender the right to appoint and remove officers and board members prior to the termination of the period of declarant control in exchange for a veto right over certain actions of the association or its board of directors. This provision is designed to encourage transfer of control by declarants to unit owners as early as possible, without impinging upon the declarant's rights (for the duration of the period of declarant control) to maintain ultimate control of those matters which the declarant may deem particularly important. The declarant at all times (even after the expiration of the period of declarant control) is entitled to cast the votes allocated to declarant owned units in the same manner as any other unit owner.

5. Subsection (5), in combination with subsection (4), provides for a gradual transfer of control of the association to the unit owners from the declarant. Such a gradual transfer is preferable to a one-time turnover of control since it assures that the unit owners will be involved, to some extent, in the affairs of the association from a relatively early date and that some unit owners will acquire experience in dealing with association matters.

6. Although the declarant's right to control the association terminates upon the happening of the events enumerated in subsection (4), the members of the board of directors appointed or elected by the declarant will continue to serve until their successors are elected by the unit owners unless they sooner resign.

RCW 64.34.312. TRANSFER OF ASSOCIATION CONTROL.

1. RCW 64.34.312 is derived from Alaska Statutes Sec. 34.08.340 rather than the Uniform Condominium Act. It is designed to ensure that the property and funds belonging to the association as well as the information and documents needed for assuming control of the association and the management of the condominium are in fact transferred to the association.

2. In order to ensure that the declarant and the board of directors appointed by the declarant have properly managed the financial affairs of the association during the period of declarant control and that all funds and property belonging to the association has been turned over to the board of directors elected by the unit owners, the Act requires an audit of the association's books and records as of the date of transfer of control by an independent certified public accountant unless the unit owners, other than the declarant, by two-thirds vote elect to waive the audit.

RCW 64.34.316. TRANSFER OF SPECIAL DECLARANT RIGHTS.

1. This section deals with the issue of the extent to which obligations and liabilities imposed upon a declarant by this Act are transferred to a third party by a transfer of the declarant's interest in a condominium. There are two issues. First, what obligations and liabilities to unit owners (both existing unit owners and persons who become unit owners in the future) should a declarant retain, notwithstanding a transfer of interests. Second, what obligations and liabilities may fairly be imposed upon the declarant's successor in interest. RCW 64.32 does not address these issues.

2. This section strikes a balance between the obvious need to protect the interests of unit owners and the equally important need to protect innocent successors to a declarant's rights, especially persons such as mortgagees whose only interest in the condominium project is to protect their debt security. The general scheme of the section is to impose upon a declarant continuing obligations and liabilities for promises, acts, or omissions undertaken during the period that it was in control of the condominium while relieving a declarant who transfers all or part of its special

declarant rights in a project of such responsibilities with respect to the promises, acts, or omissions of a successor over whom it has no control. Similarly, the section imposes obligations and liabilities arising after the transfer upon a non-affiliated successor to a declarant's interests, but absolves such a transferee of responsibility for the promises, acts, or omissions of a transferor declarant over which it had no control. Finally, the section makes special provision for the interests of certain successor declarants (e.g., a mortgagee who succeeds to the rights of the declarant pursuant to a "deed in lieu of foreclosure" and who holds the project solely for transfer to another person) by relieving such persons of virtually all of the obligations and liabilities imposed upon declarants by this Act.

3. Subsection (1) provides that a successor in interest to a declarant may acquire the special rights of the declarant only by recording an instrument which reflects a transfer of those rights. This recordation requirement is important to determine the duration of the period of declarant control pursuant to RCW 64.34.308(4), as well as to place unit owners on notice of all persons entitled to exercise the special rights of a declarant under this Act. In addition, the declarant or successor declarant must furnish a copy of the recorded instrument to all unit owners. The transfer by a declarant of all of its interest in a condominium project to a successor, without a concomitant transfer of the special rights of a declarant pursuant to this subsection, results in the automatic termination of such special declarant rights and of any period of declarant control.

4. Under subsection (2), a transferor declarant remains liable to unit owners (both existing unit owners and persons who subsequently become unit owners) for all obligations and liabilities, including warranty obligations on all improvements made by it, arising prior to the transfer. If a declarant transfers any special declarant right to an affiliate (as defined in RCW 64.34.020(1)), the transferor remains subject to all liabilities specified in subsection (2)(a) and, in addition, is jointly and severally liable with its successor in interest for all obligations and liabilities of the successor.

5. The obligations and liabilities imposed upon transferee declarants under the Act are set forth in subsection (5). In general, a transferee declarant (other than an affiliate of the original declarant and other than a successor whose interest in the project is solely for the protection of debt security) becomes subject to all obligations and liabilities imposed upon a declarant by the Act or by the declaration with respect to any promises, acts, or omissions undertaken subsequent to the transfer which relate to the rights it holds. Such a transferee is liable for the promises, acts, or omissions of the original declarant undertaken prior to the transfer, except as set forth in subsection (5)(b)(ii). For example, a successor declarant would not be liable for the warranty obligations of the original declarant with respect to improvements to the project made by the original declarant. Similarly, a successor would not be liable, under normal circumstances, for any misrepresentation or breach of fiduciary duty by the original declarant prior to the transfer. The successor is obligated, however, to complete improvements labeled "MUST BE BUILT" on the original plans.

6. To preclude declarants from evading their obligations and liabilities under this Act by transferring their interests to affiliated companies, subsection (5)(a) makes clear that any successor declarant who is an affiliate of the original declarant is subject to all obligations and liabilities imposed upon the original declarant by the Act or by the declaration. Similarly, as previously noted, subsection (2)(b) provides that an original declarant who transfers its rights to an affiliate remains jointly and severally liable with its successor for all obligations and liabilities imposed upon declarants by the Act or by the declaration.

7. The section handles the problem of certain successor declarants (i.e., persons whose sole interest in the condominium project is the protection of debt security) in three ways. First, subsection (3) provides that, in the case of a foreclosure of a mortgage, a sale by a trustee under a deed of trust, or a sale by a trustee in bankruptcy of any units owned by a declarant, any person acquiring title to all of the units being foreclosed or sold succeeds to all special declarant rights unless that person requests that all or any of those rights not be transferred. Unless such a request is made and a disclaimer is contained in the instrument conveying title, such rights will be transferred in the instrument conveying title to the units and such

transferee will thereafter become a successor declarant subject to the other provisions of this section. In the event of a foreclosure, sale by a trustee under a deed of trust, or sale by a trustee in bankruptcy of all units owned by a declarant, if the transferee of such units requests that the special declarant rights not be transferred, and if the does not provide for transfer of the special declarant rights, then, under subsection (4), such special declarant rights cease to exist and any period of declarant control terminates.

Second, any person who succeeds to special declarant rights as a result of the transfers just described or by deed in lieu of foreclosure, may, pursuant to subsection (5)(d), declare its intention (in a recorded instrument) to hold those rights solely for transfer to another person. Thereafter, such a successor may transfer all special declarant rights to a third party acquiring title to any units owned by the successor but may not, prior to such transfer, exercise any special declarant rights other than the right to control the board of directors of the association in accordance with the provisions of RCW 64.34.308(4). A successor declarant who exercises such a right is relieved of any liability under the Act except liability for any acts or omissions related to its control of the board of directors of the association. This provision is designed to deal with the typical problem of a foreclosing mortgage lender who opts to bid in and obtain the project at the foreclosure sale solely for the purpose of subsequent resale. It permits such a foreclosing lender to undertake such a transaction without incurring the full burden of declarant obligations and liabilities. At the same time, the provision recognizes the need for continuing operation of the association and, to that end, permits a foreclosing lender to assume control of the association for the purpose of ensuring a smooth transition.

Third, subsection (5)(c) provides that a successor who has only the right to maintain model units, sales offices, and signs does not thereby become subject to any obligations or liabilities as a declarant except for the obligation to provide a public offering statement and any liability resulting therefrom. This provision also is designed to protect mortgage lenders and contemplates the situation where a lender takes over a condominium project and desires to sell out existing units without making any additional improvements to the project. This provision facilitates such a transaction by relieving the mortgage lender, in that instance, from the full burden of obligations and liabilities ordinarily imposed upon a declarant under the Act.

Under RCW 64.34.236, a declarant may reserve the right to create additional units in portions of the condominium which were originally designated as common elements. The declarant becomes the owner of any units created, but, prior to creation of units, the title to those portions of the condominium is in the unit owners. The right to create the units is an interest in land in which a security interest might be granted. If the mortgagee of that interest forecloses, the purchaser at the foreclosure sale has the choices concerning development rights and resulting liability which are described in the preceding paragraph. That is, under subsections (3) and (4), the purchaser may limit its liability by agreeing to hold the developments only for the purpose of transfer as provided by subsection (5)(d) or may buy the rights under subsection (3).

RCW 64.34.320. TERMINATION OF CONTRACTS AND LEASES OF DECLARANT.

1. This section deals with a common problem in the development of condominium projects in some jurisdictions: the temptation on the part of the declarant, while in control of the association, to enter into, on behalf of the association, long-term contracts and leases with himself or with an affiliated entity.

The Act deals with this problem in two ways. First, RCW 64.34.308(1) imposes upon all board members appointed by the declarant liability as fiduciaries of the unit owners for all of their acts or omissions as members of the board. Second, RCW 64.34.320 provides for the termination of certain contracts and leases made during a period of declarant control.

2. In addition to contracts or leases made by a declarant with itself or with an affiliated entity, there are also certain contracts and leases so critical to the operation of the condominium and to the unit owners' full enjoyment of their rights of ownership that they too should be voidable by the unit owners upon the expiration of any period of declarant control. At the same time, a statutorily-sanctioned right

of cancellation should not be applicable to all contracts or leases which a declarant may enter into in the course of developing a condominium project. For example, a commercial tenant would not be willing to invest substantial amounts in equipment and other improvements for the operation of its business if the lease could unilaterally be cancelled by the association. Accordingly, this section provides that (subject to the exception set forth in the last sentence thereof), upon the expiration of any period of declarant control, the association may terminate without penalty, any "critical" contract (i.e., any management contract, employment contract, or lease of recreational or parking areas or facilities) entered into during a period of declarant control, any contract or lease to which the declarant or an affiliate of the declarant is a party, or any contract or lease previously entered into by the declarant which is not bona fide or which was unconscionable to the unit owners at the time entered into under the circumstances then prevailing.

3. The last sentence of the section addresses the usual leasehold condominium situation where the underlying real estate is subject to a long-term ground lease which is then submitted to the Act. Because termination of the ground lease would terminate the condominium, this sentence prevents cancellation. However, in order to avoid the possibility that recreation and other leases otherwise cancellable under subsection (1) will be restructured to come within the exception, a subjective test of "intent" is imposed. Under the test, if a declarant's principal purpose in subjecting the leased real estate to the condominium was to prevent termination of the lease, the lease may nevertheless be terminated.

RCW 64.34.324. BYLAWS.

1. Because the Act does not require the recordation of bylaws, it is contemplated that unrecorded bylaws will set forth only matters relating to the internal operations of the association and various "housekeeping" matters with respect to the condominium. The Act requires specific matters to be set forth in the recorded declaration and not in the bylaws, unless the bylaws are to be recorded as an exhibit to the declaration. As an alternative, matters which would ordinarily be set forth in the bylaws may instead be contained in the declaration.

2. The requirement, set forth in subsection (1)(e), that the bylaws designate which of the officers of the association has the responsibility to prepare, execute, certify, and record amendments to the declaration reflects the obligation imposed upon the association by several provisions of this Act to record such amendments in certain circumstances. These provisions include RCW 64.34.060 (Condemnation), RCW 64.34.220(5) (expiration of certain leases), RCW 64.34.244 (Relocation of Boundaries Between Adjoining Units), and RCW 64.34.248 (Subdivision of Units). RCW 64.34.264(5) provides that, if no officer is designated for this purpose, it shall be the duty of the president.

3. Subsection (3) provides for a broad definition of the term "unit owner" for the purpose of determining who may serve as an officer or director of the association. Unless the declaration or bylaws provide otherwise, if a unit is owned, in whole or in part, by a person other than a natural person, certain natural persons affiliated with the unit owner are deemed to be unit owners for the limited purposes of serving as an officer or director of the association. Upon termination of that affiliation, the person serving as an officer or director may not continue in such position unless that person otherwise qualifies as a unit owner.

RCW 64.34.328. UPKEEP OF CONDOMINIUM.

1. The Act permits the declaration to separate maintenance responsibility from ownership. This is commonly done in practice. In the absence of any provision in the declaration, maintenance responsibility follows ownership of the unit or rests with the association in the case of common elements (including limited common elements). Under this Act, limited common elements (which might include, for example, patios, balconies, and parking spaces) are common elements. See RCW 64.34.020(22). As a result, under subsection (1), unless the declaration requires that unit owners are responsible for the upkeep of such limited common elements, the association will be responsible for their maintenance. Under RCW 64.34.360(3), the cost of maintenance, repair, and replacement for such limited common elements is assessed against all the units in the condominium, unless the declaration provides

for such expenses to be paid only by the units benefited. See Comment 1 to RCW 64.34.228.

2. Under RCW 64.34.236, a declarant may reserve the right to create units in portions of the condominium originally designated as common elements. Prior to creation of the units, title to those portions of the condominium is in the unit owners. However, under RCW 64.34.328(2), the declarant is obligated to pay all of the expenses of (including real estate taxes properly apportionable to) that real estate unless the owners have the right to use the common element and the declaration provides that the expenses associated with its operation, maintenance, repair and replacement are to be paid by the unit owners. As to real estate taxes, see RCW 64.34.040(3).

RCW 64.34.336. QUORUMS.

Mandatory quorum requirements lower than 50 percent for meetings of the association are often justified because of the common difficulty of inducing unit owners to attend meetings. The problem is particularly acute in the case of resort condominiums where many owners may reside elsewhere, often at considerable distances, for most of the year.

RCW 64.34.340. VOTING; PROXIES.

Subsection (3) addresses an increasingly important matter in the governance of condominiums: the role of tenants occupying units owned by investors or other persons. Most present statutes require voting by owners in the association. However, it may be desirable to give lessees, rather than lessors, of units the right to vote on issues involving day-to-day operation both because the lessees may have a greater interest than the lessors and because it is desirable to have lessees feel they are an integral part of the condominium community.

RCW 64.34.344. TORT AND CONTRACT LIABILITY.

1. This section provides that any action in tort or contract arising out of acts or omissions of the association shall be brought against the association and not against the individual unit owners or any officer or director of the association. The subsection also provides that a unit owner is not precluded from bringing an action in tort or contract against the association solely because that person is a unit owner or a member or officer of the association.

2. In recognition of the practical control that can (and in most cases will) be exercised by a declarant over the affairs of the association during any period of declarant control permitted pursuant to RCW 64.34.308, RCW 64.34.344 provides that the association or any unit owner shall have a right of action against the declarant for any losses (including both payment of damages and attorneys' fees) suffered by the association or any unit owner as a result of an action based upon a tort or breach of contract arising during any period of declarant control except where the wrong was done by a unit owner other than the declarant. To assure that the decision to bring such an action can be made by a board of directors free from the influence of the declarant, the section also provides that any statute of limitations affecting such a right of action by the association shall be tolled until the expiration of any period of declarant control.

3. If a suit based on a claim which accrued during the period of declarant control is brought against the association after control of the association has passed from the declarant, reasonable notice to, and grant of an opportunity to the declarant to defend, are conditions to declarant liability. If, however, suit is brought against the association while the declarant is still in control, obviously the declarant cannot later resist a suit by the association for reimbursement on the grounds of failure to notify.

RCW 64.34.348. CONVEYANCE OR ENCUMBRANCE OF COMMON ELEMENTS.

1. Subsection (1) provides that, on agreement of unit owners holding 80% of the votes in the association, or such larger percentage as is required by the declaration, parts of the common elements which are not necessary for the habitability of a unit may be sold or encumbered. (80% is the percentage required for termination of the condominium under RCW 64.34.268.) This power may be exercised during

the period of declarant control, but, in order to be effective, 80% of the votes allocated to units not owned by the declarant or an affiliate of the declarant must approve the action.

The ability to sell a portion of the common elements without termination of the condominium gives the condominium regime desirable flexibility. For example, the unit owners, some years after the initial creation of the condominium, may decide to convey away a portion of the open space which has been reserved as a part of the common elements because they no longer find the area useful or because they wish to use sale proceeds to make other improvements. Similarly, the ability to encumber common elements gives the association power to raise money for improvements through the device of mortgaging the improvements themselves. Of course, recreational improvements will frequently not be sufficient security for a loan for their construction. Nevertheless, the ability to take a security interest in such improvements may lead lenders to be more favorably disposed toward making a loan in larger amounts and at lower interest rates.

2. Subsection (2) requires that the agreement for sale or encumbrance be evidenced by the execution of an agreement in the same manner as a deed by the requisite number of the unit owners. The agreement then must be recorded in the real property records of each county in which the condominium is located. The recorded agreement signed by the unit owners is not the conveyance itself, but is rather a supporting document which shows that the association has full power to execute a deed or mortgage. Under subsection (3), it is contemplated that the association will execute the actual instrument of conveyance. Under subsection (5), a conveyance or encumbrance of common elements may not deprive a unit owner of rights of access and support.

3. Under the condominium form of ownership, each unit owner owns a share of the common elements as an appurtenant interest to a unit and, when the unit owner mortgages the unit, the owner also mortgages the appurtenant interest. The unit owner cannot convey the unit separately from its interest in the common elements nor can the owner convey the common element interest separately from the unit. Therefore, if there is a mortgage or other lien against any unit, the problem arises as to whether the association under this section can convey a part of the common elements free from the mortgage interest of the unit mortgagee. Subsection (6) answers that question no. Therefore, a sale or encumbrance of common elements under this section would be subject to the superior priority of any prior mortgagee on the unit unless the mortgagee releases its interest therein.

RCW 64.34.352. INSURANCE.

1. Subsections (1) and (2) provide that the required insurance must be maintained only to the extent reasonably available. This permits the association to comply with the insurance requirements even if certain coverages are unavailable or unreasonably expensive. If the required insurance is not reasonably available or if the insurance is modified, cancelled or not reviewed, the association must cause notice of that fact to all unit owners and to eligible mortgagees and those mortgagees to whom a memorandum or certificate of insurance has been issued.

2. Subsection (1) requires that the association obtain and maintain property insurance on both the common elements and the units within buildings. This mandates that the association maintain property insurance on the entire condominium, including the units. Given the great interdependence of the unit owners in the condominium situation, mandating property insurance for the entire building is the preferable approach. Moreover, such an approach greatly simplifies claims procedures, particularly where both common elements and portions of a unit have been destroyed. If common elements and units are insured separately, the insurers could be involved in disputes as to the coverage provided by each policy.

3. Put simply, if any item is installed, constructed, repaired or replaced by the declarant or a successor in connection with the original sale of a unit, the item is insured by the association. Clearly, this does not include items of personal property easily movable within the unit or easily removable from the unit (whether or not deemed a fixture under state law), such as a vase, table or other furnishings. If installed by the unit owner, the item may be insured by the association but generally the preferable approach is that these items be insured by the unit owner.

Those items, installed by the unit owner and not covered by the association policy, are called "improvements and betterments".

4. Although "all risk" coverage is not required as to conversion buildings, but merely fire and extended coverage, this is not intended to imply that such coverage is unnecessary. "All risk" coverage is not required because it may not be appropriate in the case of an un-renovated conversion where cost is a critical factor.

5. The minimum requirement as to the amount of insurance, which is 80% of the actual cash value unless a greater amount is required by the declaration, should not be viewed as a recommendation; rather, the 80% is a floor. Typically, many condominium documents require insurance in an amount equal to 100% of the replacement cost of the insured property. The Act permits greater flexibility, however, inasmuch as different types of construction and varieties of projects may not require such total coverage with its attendant higher premium cost.

6. Subsection (1)(b) covers only the liability of the association, and unit owners as members, but does not cover the unit owner's individual liability for the owner's acts or omissions or liability for occurrences within a unit.

7. Clause (1) of the third sentence of subsection (8) would operate as follows: (1) if the condominium consists of campsites, restoration after fire damage might consist of merely re-sodding the area damaged; (2) if the condominium consists of separate garden-type buildings, restoration after fire damage might consist of demolishing the remaining structure and paving or landscaping the area; and (3) if the condominium consists of a single high-rise building, restoration may not be required (if the building is substantially destroyed) inasmuch as "a condition compatible with the remainder of the condominium" would be damaged and unrestored.

8. The scheme of this section, as set forth in subsection (8), is that any damage or destruction to any portion of the condominium must be repaired (if repairs can be made consistent with applicable safety and health laws) absent a decision to terminate the condominium or a decision by 80% of the unit owners (including the owners of any damaged units) not to rebuild. Unless a decision is made not to rebuild, any available insurance proceeds must be used to effectuate such repairs. For this reason, subsection (4) provides that any loss covered by the association's property insurance policy shall be adjusted with the association and that the proceeds for any loss shall be payable to the association or to any insurance trustee that may be designated for such purpose. Significantly, such insurance proceeds may not be paid to any holder of a mortgage or other outside party. This provision is necessary to insure that insurance proceeds are available to effectuate any repairs or restoration to the condominium that may be required.

9. In the case of commercial or industrial condominiums, unit owners may prefer to act as self-insurers or make other arrangements with respect to property insurance. Accordingly, subsection (8) provides that the insurance requirements of this section may be varied or waived in the declaration in the case of a condominium all of the units of which are reserved exclusively for non-residential use. Such waiver or modification is not possible in the case of a mixed-use condominium, some of the units of which are used for residential purposes.

RCW 64.34.356. SURPLUS FUNDS.

Surplus funds of the association are generally used first for the prepayment of reserves, and remaining funds are, in the discretion of the board of directors thereafter credited to the accounts of unit owners or paid to them. In some cases, however, unit owners might prefer that surplus funds be used for other purposes (e.g., the purchase of recreational equipment). Accordingly, this section permits the declaration to specify any other use of surplus funds.

RCW 64.34.360. ASSESSMENTS FOR COMMON EXPENSES.

1. This section contemplates that a declarant might find it advantageous, particularly in the early stages of condominium development, to pay all of the expenses of the condominium itself rather than assessing each unit individually. Such a situation might arise, for example, where a declarant owns most of the units in the condominium and wishes to avoid billing the costs of each unit separately

and crediting payment to each unit. It might also arise in the case of a declarant who, although willing to assume all expenses of the condominium, is unwilling to make payments for replacement reserves or for other expenses which it expects will ultimately be part of the association's budget. Subsections (1) and (2) grant the declarant such flexibility while at the same time providing that once an assessment is made against any unit, all units, including those owned by the declarant, must be assessed for their full portion of the common expense liability.

2. Under subsection (3), the declaration may provide for assessment on a basis other than the allocation made in RCW 64.34.224 as to limited common elements, other expenses benefiting less than all units, insurance costs, and utility costs.

3. If additional units are added to a condominium after a judgment has been entered against the association, the new units are not assessed any part of the judgment debt. Since unit owners will know the assessment, and since such unpaid judgment assessments would affect the price paid by purchasers of units, it would be complicated and unnecessary to fairness to reallocate judgment assessments when new units are added.

4. Subsection (6) refers to those instances in which various provisions of this Act require that common expense liabilities be reallocated among the units of a condominium by amendment to the declaration. These provisions include RCW 64.34-.060 (Condemnation), RCW 64.34.220(5) (expiration of certain leases), RCW 64.34.236 (Exercise of Development Rights) and RCW 64.34.248(2) (Subdivision of Units).

RCW 64.34.364. LIEN FOR ASSESSMENTS.

1. Subsection (1) provides that the association has a lien on a unit for unpaid assessments from the time that the assessment is due.

2. To ensure prompt and efficient enforcement of the association's lien for unpaid assessments, such liens should enjoy statutory priority over most other liens. Accordingly, subsection (2) provides that the association's lien takes priority over all other liens and encumbrances except those recorded prior to the recordation of the declaration, those imposed for real estate taxes or other governmental assessments or charges against the unit, and mortgages recorded before the date the assessment became delinquent. However, as to prior mortgages, subsection (3) provides that the association's lien does have a limited priority for assessments based on the periodic budget. (See Comment 3).

3. The association's priority under subsection (3) is usually for a sum equal to the assessments which would normally have come due in the six month prior to the foreclosure of either a mortgage or the lien for assessments. The period dates back from the time of the foreclosure sale, or the recordation of the declaration of forfeiture. A significant departure from existing practice, the priority for the assessment lien strikes an equitable balance between the need to enforce collection of unpaid assessments and the obvious necessity for protecting the priority of the security interests of mortgage lenders. As a practical matter, mortgage lenders will most likely pay the assessments demanded by the association which are prior to its mortgage rather than having the association foreclose on the unit and eliminate the lender's mortgage lien.

4. The priority for the assessment lien may be reduced under subsection (4) by up to three months of assessments where a mortgagee has either filed a notice with the secretary of the association making it an "eligible mortgagee" or has made a written request to the association for a notice of delinquencies, and the assessment lien priority relates to a period during which the association was under an obligation to give the mortgagee notice of the delinquencies but failed to do so. In addition, if a mortgage lender forecloses its lien, it will take subject to the association's lien for up to six months' assessments. If the mortgage lender wishes, an impound for assessments can be required.

5. Under subsection (6) the lien priority is automatically waived by the association, however, by electing to foreclose its lien nonjudicially pursuant to subsection (9).

6. Although RCW 64.34.364 is automatically applicable to condominiums created under RCW 64.32 by virtue of RCW 64.34.010(1), it is only applicable with respect to events and circumstances occurring after the effective date of the act. Thus an assessment lien would not have any priority over a mortgage recorded

prior to the effective date of this Act. In addition, because RCW 64.34.364 does not invalidate or supersede existing, inconsistent provisions of the governing documents of these pre-Act condominiums, an association would have to amend its declaration to change any language giving mortgages absolute priority over the lien for assessments.

7. A lien for assessments is not subject to the homestead exemption of RCW 6.13 and an association will no longer need to give the notice regarding the effect of foreclosure which is required by that chapter in order to avoid the homestead exemption.

8. Subsection (7) makes clear that the only document which needs to be recorded to give record notice of and to perfect the association's lien is the declaration. A notice of claim of lien need not be recorded by an association in order to enforce its lien or to perfect its priority vis-a-vis other liens. Recording of such a notice is permissive and does not satisfy the requirement of actual notice to a mortgagee entitled to notice of their mortgagor's delinquency.

9. Subsection (8) supersedes the six year statute of limitations for an action upon a liability arising out of a written agreement and imposes a three year statute of limitations on a proceeding to foreclose the association's lien for assessments or to collect on the personal liability of any person to pay assessments.

10. In addition to the judicial foreclosure of assessment liens in the manner of a mortgage which has been available to associations under RCW 64.32, the Act in subsection (9) adds the ability for an association to foreclose its assessment lien nonjudicially under RCW 61.24. In order to avail itself of this procedure, the declaration, which serves the purpose of the deed of trust, must contain the same elements found in a deed of trust, that is, (a) a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) a power of sale, (c) a provision that the units are not used principally for agricultural or farming purposes, and (d) a provision that the power of sale is operative in the case of a default in the obligation to pay assessments.

11. Under subsection (10) the right to the appointment of a receiver to rent out a unit is automatically available to an association once a foreclosure has been commenced even if the declaration does not expressly provide for this remedy. However, the remedy is only available with respect to a unit which is not occupied by its owner.

12. Subsections (12) and (16) make clear that the association may have remedies short of foreclosure of its lien that can be used to collect unpaid assessments. The association, for example, might bring an action in debt or breach of contract against a recalcitrant unit owner rather than resorting to foreclosure.

13. In view of the association's powers to enforce its lien for unpaid assessments, subsection (15) provides unit owners with a method to determine the amount presently due and owing. A unit owner may obtain a statement of any unpaid assessment, including fines and other charges enforceable as assessments under subsection (1), currently levied against the owner's unit. The statement is binding on the association, the board of directors, and every unit owner in any subsequent action to collect such unpaid assessments.

14. Units may be part of a condominium and of a larger real estate regime. For example, a large real estate development may consist of a larger planned community which contains detached single family dwellings and town houses which are not part of any condominium and a high-rise building which is organized as a condominium within the planned community. In that case, the planned community association might assess the condominium units for the general maintenance expenses of the planned community and the condominium association would assess for the direct maintenance expenses of the building itself. In such a situation, subsection (6) provides that unpaid liens of the two associations have equal priority regardless of the relative time of creation of the two regimes and regardless of the time the assessments were made or become delinquent.

15. One of the remedies for collection of delinquent assessments available to many associations created under RCW 64.32 is the power to terminate utilities to a unit on ten days notice to an owner. Although the Act does not grant this power to

associations created after its effective date, RCW 64.34.010(1) makes it clear that the Act does not deprive condominiums formed under the prior law of this remedy.

RCW 64.34.368. OTHER LIENS AFFECTING THE CONDOMINIUM.

1. This section deals with the effect on unit owners of judgments against the association. The Act strikes a balance, making the judgment lien a direct lien against each individual unit, but allowing the individual unit owner to discharge the lien by payment of the pro-rata share of the judgment. The judgment would also be a lien against any property owned by the association.

2. It should be noted that, while the judgment lien runs directly against unit owners, the actual liability of the unit owner is almost identical with what it would be if the ordinary corporation rule insulating the unit owner from direct liability were applied. If the incorporated association only is liable for a judgment, it will, of course, have no assets to satisfy the judgment except whatever personal property and real estate not a part of the common elements it owns. If a checking account or other cash funds of the association are attached or garnished by the creditor, the association, in order to maintain its operations and fulfill its other obligations, will be obliged to make an additional assessment against the unit owners to cover the judgment. The same result follows if the association is to prevent the sale of other assets at an execution sale. That additional assessment would be in precisely the amount for which this Act gives a direct lien against the individual unit owners. Unpaid assessments made by the association constitute liens against units just as do judgments.

Therefore, whether the lien of the judgment creditor runs against the units directly, or whether the lien is only against the association which finds it necessary to make additional assessments to satisfy the judgment, the unit owner who does not pay the proportionate share will end up with a lien against the unit.

The differences, therefore, between the lien system established by RCW 64.34-.368 and the system which would be applicable if ordinary corporation rules were applied are these:

(1) The unit owner can discharge the owner's unit from the lien and free it from the possibility of being subsequently assessed by the association for the judgment by making a payment directly to the lien holder. This ability may be valuable to a unit owner who is in the process of selling or securing a mortgage on the unit during the period between the time the judgment is entered and the time the association makes a formal assessment against individual unit owners for the amount of the judgment lien.

(2) The judgment creditor through its ability to threaten to foreclose the lien on an individual unit if the judgment is not paid is given some leverage over individual unit owners to encourage them to see that the association pays the judgment.

Except for situations in which the association has given a mortgage or deed of trust on common elements, the judgment creditor cannot assert a lien against common elements, but is rather left to a lien against the units. That is, the judgment creditor has no power to levy on the golf course or on the swimming pool or other open spaces and sell them independently of the units to satisfy the judgment.

RCW 64.34.372. ASSOCIATION RECORDS.

(1) This section requires that each association shall prepare or cause to be prepared a financial statement in accordance with generally accepted accounting principles, as that term is defined by the American Institute of Certified Public Accountants, at least annually. These annual financial statements must be audited by a certified public accountant for all associations with fifty or more units, however this section grants to associations with fewer than fifty units, which are not otherwise required by their governing documents to have an annual audit, the power to waive the audit requirement. The waiver must be made annually by the affirmative vote of unit owners other than the declarant of units to which sixty percent of the votes are allocated, excluding the votes allocated to units owned by the declarant.

(2) Subsection (2) establishes certain important safeguard with respect to the segregation of association funds and the method of disbursing funds from a reserve

account. Persons charged with the custody of association funds may not commingle them with funds which do not belong to the association. In addition, reserve funds must be kept in a separate account and must be disbursed on the signature of two officers or directors of the association.

RCW 64.34.376. ASSOCIATION AS TRUSTEE.

Based on Section 7 of the Uniform Trustees' Powers Act, this section is intended to protect an innocent third party in its dealings with the association only when the association is acting as a trustee for the unit owners, either under RCW 64.34.352 for insurance proceeds, or RCW 64.34.268 following termination.

RCW 64.34.400. APPLICABILITY.

In the case of commercial and industrial condominiums, the purchaser is often more sophisticated than the purchaser of residential units and thus better able to bargain for the protections. While this may not always be true, no objective test can be developed which easily distinguishes those commercial purchasers who are able to protect themselves from those who, in the ordinary course of business, have not developed such sophistication. At the same time, the cost of protection imposed by Article 4 may be substantial. Accordingly, subsection (1) permits waiver or modification of Article 4 protections with respect to units which are restricted to nonresidential use, e.g., in the case of most commercial and industrial condominium units. However, except for certain waivers of implied warranties of quality (see RCW 64.34.450) and certain exemptions from public offering statement and resale certificate requirements (see subsection (2)), no express waiver of the protections of this Article with respect to the purchasers of residential units is permitted by this subsection. Accordingly, by operation of RCW 64.34.030, the rights provided by this Article may not be waived in the case of residential purchasers.

RCW 64.34.405. LIABILITY FOR PUBLIC OFFERING STATEMENT REQUIREMENTS.

This section permits declarants to transfer responsibility for preparation of a public offering statement to successor declarants or dealers. The declarant or dealer who is responsible for delivering the public offering statement is liable for any misrepresentations and material omissions to the extent such person knew or should have known of the misrepresentation or omission. A person who assists the declarant or dealer in preparing a public offering statement is responsible for any such deficiencies only to the extent of that person's actual knowledge.

RCW 64.34.410. PUBLIC OFFERING STATEMENT--GENERAL PROVISIONS.

1. The best "consumer protection" that the law can provide to any purchaser is to ensure that such purchaser has an opportunity to acquire an understanding of the nature of the products which it is purchasing. Such a result is difficult to achieve, however, in the case of the condominium purchaser because of the complex nature of the bundle of rights and obligations which each unit owner obtains. For this reason, the Act is similar to many so-called "second generation" condominium statutes in that it sets forth a list of specific information which must be provided to each purchaser before acquiring a unit. Unlike some other statutes, however, the Washington Condominium Act avoids lengthy "narrative descriptions" of information otherwise contained in the condominium documents. The objectives fostered by the approach of specifically listing the information to be included in the public offering statement include: providing the drafter with a clear guide as to what the public offering statement is to contain; promoting the preparation of a short, clear and concise public offering statement, which in turn will increase the likelihood that prospective unit purchasers will both read and understand it; avoiding irrelevant, ambiguous and confusing disclosures; avoiding a false sense of security among purchasers who may assume that a lengthy public offering statement contains all of the relevant information regarding the condominium; enabling the declarant to prepare the public offering statement at a reasonable expense; promoting uniform public offering statements among projects and therefore the ease of comparison of information; facilitating the ability of interested parties to obtain legal opinions with respect to the public offering statement's compliance with the statute; and decreasing the need for a state agency review of the public offering statement.

The requirement for providing the public offering statement appears in RCW 64.34.405(3), and RCW 64.34.420 provides prospective purchasers with cancellation rights and imposes liability for damages upon declarants not complying with the public offering statement requirements of the Act.

2. Subsection (1)(i) requires a list of the principal "common amenities" to be indicated. "Common amenities" are not defined in the statute. The term encompasses items within the common areas which constitute significant features of the project and which materially affect its value. The disclosure is intended to enable prospective purchasers to confirm that existing recreational and other facilities conform to the impressions given through advertising, salespersons or others. Items which would fall under this category would include swimming pools, tennis courts, and clubhouses, but need not include landscaping, sidewalks, parking areas, and the like.

3. Subsection 1(l) requires the identification of real property which is not in the condominium but to which unit owners have access. Thus, if the unit owners have an easement over property not within the condominium or if the association (as opposed to the owners) leases recreational or other areas, those properties are to be disclosed, together with a brief description of the terms of the easement, lease or other agreement by which such access is afforded.

4. Subsection (1)(m) requires a statement as to the status of construction and the estimated dates of completion for improvements not completed. Under RCW 64.34-.232, the declarant is obligated to label all improvements which may be made in the condominium as either "MUST BE BUILT" or "NEED NOT BE BUILT." Under RCW 64.34.465, the declarant is obligated to complete all improvements labeled "MUST BE BUILT." The estimated schedule of commencement and completion of construction dates provides a standard for judging whether a declarant has complied with the requirements of RCW 64.34.465.

5. Subsection 1(n) requires a disclosure of the "estimated current common expense liability" for the units being offered for sale. In addition to ensuring that such information will be available to prospective purchasers, this is intended to eliminate the quotation of deceptively low assessments by the seller when the seller knows that because of the deferral of payments, inadequate reserves, nominal charges for services performed by the declarant which must be obtained from third parties in the future, and other reasons, significant increases in assessments are expected.

6. Under subsection (1)(p), the declarant is obligated to disclose any current or expected fees or charges which unit owners may be required to pay for the use of the common elements and other facilities related to the condominium. Such fees or charges might include swimming pool fees, golf course fees, or required membership fees for recreation associations.

7. Subsection (1)(q) requires a disclosure of certain "assessments." The use of that word in this section is not the defined term under RCW 64.34.020(3), but refers to real property special assessments, local improvement district assessments and the like which may be levied against the unit as a result of the condominium's inclusion in a special assessment district.

8. Subsection (1)(t) requires the disclosure of any restrictions against "timesharing." The term "timeshare" has the meaning set forth in RCW 64.36.010(11), and includes use sharing arrangements established through the sale of undivided fee interests and "right to use" programs.

9. Subsection (1)(v) requires a description of the material differences in a model unit available for inspection by a prospective purchaser and the unit being offered to such purchaser. This disclosure is limited to model units which are actually available to the purchaser at the time of an inspection. Consequently, the public offering statement need not be amended if such a model unit is altered or replaced, unless that particular purchaser was led to believe that any resulting alterations or additions would be included in its unit.

10. Subsection (1)(x) requires a listing of physical hazards known to the declarant which particularly affect the condominium. These would not include matters which are obvious, such as hazards resulting from a busy intersection, the possibility of adverse weather conditions, and the like. On the other hand, to the extent

unusual environmental conditions would affect the use or enjoyment of the condominium or the condominium is located near the end of an airport runway, such items would be expected to be disclosed.

11. Subsections (1)(ff) and (gg) require certain notices to be contained at the top of the first page of the public offering statement pursuant to RCW 64.34.410(4). These are to be typed or printed in 10-point bold-faced type size using the language set forth in the statute.

RCW 64.34.415. PUBLIC OFFERING STATEMENT; CONDOMINIUMS CONTAINING CONVERSION BUILDINGS.

1. In the case of a condominium containing one or more conversion buildings, the disclosure of additional information relating to the condition of those buildings, to the extent reasonably ascertainable, is required in the public offering statement because of the difficulty inherent in a single purchaser attempting to determine the condition of what is likely to be an older building being renovated for the purpose of condominium sales.

2. Subsection (1)(a) requires the person who gives the public offering statement to retain an independent architect or engineer to report on the present condition of all structural components and fixed mechanical and electrical installations in the conversion building. Such information is as useful to the declarant as to the purchaser since, under the implied warranty provisions of RCW 64.34.445, a declarant impliedly warrants all improvements made by any person to the building "before creation of the condominium" unless such improvements are specifically excluded from the implied warranty of quality pursuant to RCW 64.34.450(2).

3. Any material changes in the "present condition" of these systems must be reported by an amendment to the public offering statement.

4. Under subsection (1)(c), the person required to give the public offering statement is required to provide purchasers with a list of all outstanding notices of uncured violations of building codes or other municipal regulations. The literal wording of this provision does not require disclosure of known violations of such building codes or municipal regulations (at least violations having no effect upon the structural components or fixed mechanical and electrical installations of the condominium) unless actual "notices" of such violations have been received. To the extent that outstanding notices of uncured violations do exist, the cost of curing such violations would become a liability of the unit owners or the association following transfer of the unit to a purchaser. For that reason, the estimated cost of curing any outstanding violations must also be disclosed.

5. For the same reasons set forth in the Comment to RCW 64.34.400(1), this section does not apply to units which are restricted exclusively to nonresidential use.

RCW 64.34.____. MULTIPLE OFFERING STATEMENTS.

In addition to the public offering statement required under RCW 64.34.4103 or RCW 64.34.415, a declarant may be required to file a similar disclosure statement with the Securities and Exchange Commission of the United States or in connection with various state laws, including the Securities Act of Washington, Chapter 21.20 RCW; the Land Development Act of 1973, Chapter 58.19 RCW; the Timeshare Act, Chapter 64.36 RCW; or the Camping Resorts Act, Chapter 19.105 RCW. The goal of RCW 64.34.____ is to assure full disclosure to prospective unit purchasers while at the same time avoiding redundant disclosure documents.

RCW 64.34.420. PURCHASER'S RIGHT TO CANCEL.

1. Subsection (1) requires that each purchaser be provided with both the public offering statement and all material amendments thereto prior to the time that the unit is conveyed. The section makes clear that any material amendments to the public offering statement prepared between the date of any contract and the date of conveyance must also be provided to the purchaser.

2. This section does not require the delivery of a public offering statement prior to the execution by the purchaser of an agreement pursuant to which the purchaser reserves the right to buy a unit but is not contractually bound to do so. If

such agreements (frequently referred to as "reservation agreements") may be unilaterally canceled at any time by a prospective purchaser without penalty, they do not constitute "contracts of sale" within the meaning of the section.

3. The requirement set forth in subsection (1) that a purchaser be provided with subsequent material amendments to the public offering statement during the period between execution of the contract for purchase and conveyance of the unit does not, in itself, extend the "cooling off" period. Indeed, the delivery of such amendments is required even if the "cooling off" period has expired. The purpose of this requirement is to assure that purchasers of units are advised of any material change in the condominium which may affect their sales contracts under general law. While many such amendments will be merely technical and will not affect the bargain that the purchaser and declarant entered into, each purchaser should be advised of any changes in the nature of the condominium to determine whether cancellation of the contract should be pursued.

4. Under the scheme set forth in this section, it is at least theoretically possible that there will be a contract for sale of the unit, and that a public offering statement will be given to the purchaser at closing just prior to conveyance. However, the available evidence suggests that such practice would be rare, and that the provision of a public offering statement moments prior to conveyance would, in itself, tend to dampen the enthusiasm of the purchaser for immediate closing. In such circumstances, under subsection (1), the purchaser has the right to extend the date of closing for up to 7 days from the time the public offering statement was provided. This fact, together with the generally unsatisfactory experience with mandatory "cooling off" periods such as that imposed under the federal Real Estate Settlement Procedures Act, supports the conclusion that it is inappropriate to require a minimum period of delay between delivery of a public offering statement and conveyance.

5. Under subsection (1), the failure to deliver a public offering statement before conveyance does not result in a statutory right by the purchaser to cancel the conveyance or to reconvey the unit once conveyance has occurred. Any such cancellation or reconveyance right following an actual conveyance could create serious mechanical and title problems that could not be easily resolved. The failure of the Act to provide for such cancellation or reconveyance is not, however, intended to diminish any right which a purchaser may otherwise have under general state law. For example, where it appears that a seller, by deliberately failing to disclose certain material information with respect to a transaction, substantially changed the bargain which he and the purchaser entered into, it is possible under the common law that reconveyance would be an available remedy.

Even absent such resort to general law, however, the penalty provisions of subsection (3) are designed to provide a sufficient incentive to the seller to insure that the public offering statement is provided in the timely fashion required by the Act. The penalty so specified in the subsection is in addition to any right a prevailing purchaser may have under RCW 64.34.455 to collect attorney's fees in connection with his action against the declarant.

RCW 64.34.425. REALES OF UNITS.

1. In the case of the resale of a unit by a private unit owner who is not a declarant or dealer, a public offering statement need not be provided. See RCW 64.34.405(3). Nevertheless, there are important facts which a purchaser should have in order to make a rational judgment about the advisability of purchasing the particular condominium unit. Accordingly, each unit owner not required to furnish a public offering statement under RCW 64.34.405(3) and not exempt under RCW 64.34.400(2) is required to furnish to a resale purchaser, before the execution of any contract of sale, a copy of the declaration, bylaws, and rules and regulations of the association and a variety of fiscal, insurance, and other information concerning the condominium and the unit.

2. While the obligation to provide the information required by this section rests upon each unit owner (since the purchaser is in privity only with that unit owner), the association has an obligation to provide the information to the unit owner within 10 days after a request for such information. Under RCW 64.34.304(1)(i), the

association is entitled to charge the unit owner a reasonable fee for the preparation of the certificate. Should the association fail to provide the certificate as required, the unit owner would have a right to action against the association pursuant to RCW 64.34.455.

3. Under subsection (3), if a purchaser receives a resale certificate which fails to state the proper amount of the unpaid assessments due from the purchased unit, the purchaser is not liable for any amount greater than that disclosed in the resale certificate. Because a resale purchaser is dependent upon the association for information with respect to the outstanding assessments against the unit which he contemplates buying, it is altogether appropriate that the association should be prohibited from later collecting greater assessments than those disclosed prior to the time of the resale purchase.

RCW 64.34.430. ESCROW OF DEPOSITS.

1. This section applies to the sale by persons required to furnish public offering statements of residential units and of non-residential units unless waived pursuant to the provisions of RCW 64.34.400. It does not apply, however, to resales of units between private parties.

2. This section provides declarant a number of choices as to the appropriate escrow agent. To minimize record keeping the institutional depository could itself be the escrow agent. The section does not require a separate account for each unit, so that mingling of funds in a single escrow account would be permitted.

3. The escrow requirements of this section apply in connection with any deposit made by a purchaser, whether such deposit is made pursuant to a binding contract or pursuant to a non-binding reservation agreement (with respect to which no public offering statement is required under RCW 64.34.400(2)(f)).

4. This Act does not include bonding as an alternative to the required escrow of deposits.

RCW 64.34.435. RELEASE OF LIENS.

The exemption for withdrawable real estate set forth in subsection (1) is designed to preserve flexibility for the declarant in terms of financing arrangements. Theoretically, a declarant might partially avoid the lien release requirement of subsection (1) by placing part of the common element improvements such as a swimming pool or tennis court on withdrawable real estate. By doing so, it could separately mortgage that part of the common elements without being obligated to discharge the mortgage or secure partial releases when individual units are sold. (However, even if there were no withdrawable real estate exemption from the release of lien requirement, declarants could still separately mortgage such improvements as pools and tennis courts without having to discharge the mortgage on sale of units. All they would have to do is leave the particular real estate out of the condominium and then convey it directly to the association subject to the mortgage.)

If a mortgage or other lien created by or arising against the declarant attaches to withdrawable real estate after the declaration has been recorded, a lapse of the declarant's right to withdraw the real estate would also terminate the rights of the lienor, since the lien would attach only to the declarant's interest (the right to withdraw). However, an alert lienor would not permit the right to withdraw to lapse without taking steps to see that the right to withdraw is exercised. If the mortgage or other lien attached to the real estate and was perfected before the condominium declaration was recorded, lapse of the right to withdraw would not affect the lienor's rights and it could foreclose on the real estate whether or not the developer had lost the right to withdraw. As a practical matter, whether the mortgage or other lien against withdrawable real estate arises before or after the declaration is recorded, unit owners may find that, if the association does not release liens on withdrawable real estate containing common elements, the lienor will be able to withdraw the land and deprive the unit owners of its use. Therefore, unit purchasers and their counsel should be alert to that possibility.

If units are created in withdrawable real estate, the units, when sold, are subject to the release-of-lien rule of subsection (1) and after a unit in a particular withdrawable parcel is sold, that parcel can no longer be withdrawn. In that case,

any lien created by or arising against the developer which attached to that real estate would be subordinate to the condominium declaration and would automatically expire.

RCW 64.34.440. CONVERSION BUILDINGS.

1. One of the most controversial issues in the field of condominium development relates to conversion of rental buildings to condominiums. Opponents of conversions point out that the frequent result of conversions, which occur principally in large urban areas, is to displace low- and moderate-income tenants and provide homes for more affluent persons able to afford the higher prices which the converted apartments command. Indeed, studies indicate that the burden of conversion displacement falls most frequently on low- and moderate-income and elderly persons. At the same time, the conversion of a building to condominium ownership can lead to a substantial increase in property value, a result which proponents believe can be an important factor in curtailing the problem of declining urban tax bases. Proponents also point out that the conversion of rental units in inner-city areas to individual ownership frequently results in the stabilization of the buildings concerned, thus providing an important technique for use in neighborhood preservation and revitalization.

2. In an attempt to strike a fair balance between the competing interests of rental tenants and prospective owners, subsection (2) provides the tenant a right for 60 days to purchase the unit which he leases at a price and on terms offered by the declarant. The subsection discourages unreasonable offers by declarants by providing that, if the tenant fails to accept the terms offered, the declarant may not thereafter sell the unit at a lower price or upon more favorable terms to a third person for at least 180 days. However, the declarant is not required to offer residential tenants the right to purchase commercial units or to offer to sell to tenants if the dimensions of their previous apartments have been substantially altered. The reason for this exception is that, if an apartment is subdivided or if two apartments are merged into a single condominium unit, compliance with the requirements of subsection (b) would be impossible.

3. Except for the restrictions on permissible evictions stated in subsection (1), this Act does not change the law of summary process in this state. As a result, if a tenant refuses to vacate the premises following the 90-day notice, the usual provisions of the state's summary process statutes would apply, while any defenses available to a tenant would also be available.

4. Subsection (6) permits cities and counties, on a local option basis, to require a governmental housing code inspection in addition to the report required under RCW 64.34.415(1)(a), that violations of the housing code be repaired and that such repairs be warranted for one year, and payment of a relocation allowance. Subsection (6)(e) is intended to provide specific authorization for such relocation assistance and to establish the Legislature's clear intent that RCW 82.02.020 is not a bar to such assistance in connection with residential condominium conversions. Similar provisions are contained in some existing local conversion ordinances.

5. A number of local jurisdictions have adopted conversion ordinances. The evolving "patchwork" of state and local regulation has resulted in property owners, tenants, unit purchasers, lenders, title insurers and others involved in the condominium conversion process being confronted with widely divergent rights, duties, obligations and procedures. Accordingly, except for the "local option" provisions of subsection (6), the Legislature intended by the adoption of this section (as well as other related sections, including RCW 64.34.415 and RCW 64.34.443 - 450) to preempt and replace local condominium conversion ordinances with a uniform state-wide set of regulations. See also RCW 64.34.050 and the related comments concerning applicability of local ordinances and regulations.

RCW 64.34.443. EXPRESS WARRANTIES OF QUALITY.

1. This section, together with RCW 64.34.445, RCW 64.34.450 and RCW 64.34.____, are adapted from the real estate warranty provisions contained in the Uniform Land Transactions Act (ULTA).

2. This section, which parallels Section 2-308 of ULTA, deals with express warranties, that is, with the expectations of the purchaser created by particular conduct of the declarant in connection with inducement of the sale. It is based on the principle that, once it is established that the declarant has acted so as to create particular expectations in the purchaser, warranty should be found unless it is clear that, prior to the time of final agreement, the declarant has negated the conduct which created the expectation. Because of the requirements imposed on the declarant to disclose information to the prospective purchasers in writing, a purchaser should not rely on oral statements concerning the unit or the condominium. Accordingly, this section makes it clear that, except with respect to the model unit, express warranties are created only in writing, such as in the public offering statement or a separate writing signed by the declarant or the declarant's authorized agent.

3. Subsection (2) makes it clear that no specific intention to make a warranty is necessary if any of the factors mentioned in subsection (1) are made part of the basis of the bargain between the parties. In actual practice, representations made by a declarant concerning condominium property during the bargaining process are typically regarded as a part of the description. Therefore, no particular reliance on the representations need be shown in order to weave them into the fabric of the agreement. Rather, the burden is on the declarant to show that representations made in the bargaining process were not relied upon by the purchaser at the time of contracting.

4. Subsection (1)(a) provides that representations as to improvements and facilities not located in the condominium may create express warranties. Declarants often assert that recreational facilities, such as swimming pools, golf courses, tennis courts, etc., will be constructed in the future and that unit owners will have the right to utilize such facilities once constructed. Such assertions are intended to be included within the language "have the benefit of facilities not located in the condominium." If, under the circumstances, such improvements would benefit the unit being sold, then the declarant may be liable for breach of express warranty if they are not completed. Such liability is distinct from the declarant's obligations, under RCW 64.34.465, to complete all improvements labeled "MUST BE BUILT" on plats and plans.

5. Under subsection (1)(d), a contract provision permitting the purchaser to use a condominium unit only for a specified use or uses creates an express warranty that the unit may lawfully be used for that purpose. Therefore, if there is a limitation on use, the resulting express warranty could not be disclaimed by a disclaimer of implied warranties under RCW 64.34.450.

6. The precise time when representations set forth in subsection (1) are made is not material. The sole question is whether the language of the declarant are fairly to be regarded as part of the contract between the parties.

7. The provision of subsection (3) that the conveyance of a unit transfers to the purchaser all express warranties made by prior declarants is intended, in part, to avoid the possibility that a declarant could negate his warranty obligations through the device of transferring a unit through a shell entity to the ultimate purchaser.

RCW 64.34.445. IMPLIED WARRANTIES OF QUALITY.

1. This section, which is based upon Section 2-309 of ULTA, overturns the rule still applied in many states that a professional seller of real estate makes no implied warranties of quality (the rule of "caveat emptor"). In recent years, that rule has been increasingly recognized as a relic of an earlier age whose continued existence defeats reasonable expectations of purchasers. Since the 1930's, more and more courts have completely or partially abolished the caveat emptor rule, and it is clear that the judicial tide is now running in favor of seller liability.

2. The principal warranty imposed under this section is that of suitability of both the unit and common elements for ordinary uses of real estate of similar type, and of quality of construction. Both of these warranties, which arise under subsection (2), are imposed only against declarants and dealers and not against unit owners selling their units to others.

3. Many recent cases have held that a seller of new housing impliedly warrants that the houses sold are habitable. The warranty of suitability under this Act is similar to the warranty of habitability although it is broader than interpreted by our Supreme Court. Under the Act, the warranty of suitability applies to both units and common elements in both commercial and residential condominiums. If, for example, a commercial unit is sold for commercial use although it is not suitable for the ordinary uses of condominium units of that type, the warranty of suitability has been breached. Moreover, this warranty of suitability arises in the case of used, as well as new, buildings or other improvements in the condominium.

4. The warranty of suitability and of quality of construction arises only against a declarant and a dealer. As in the case of sales of goods, a non-professional seller is liable, if at all, only for any express warranties such seller makes. However, if a non-professional seller fails to disclose defects of which such seller is aware, that seller may be liable to the purchaser for fraud or misrepresentation under the common law of the state where the transaction occurred. Also, the warranties imposed by this section may be used to give content to a general "guarantee" by a non-professional seller.

5. The warranty as to quality of construction for improvements made or contracted for by the declarant or made by any person before the creation of the condominium is broader than the warranty of suitability. Particularly, it imposes liability for defects which may not be so serious as to render the condominium unsuitable for ordinary purposes of real estate of similar type. Moreover, subsection (5) prevents a declarant from avoiding liability with respect to the quality of construction warranty by having an affiliated entity make the desired improvements.

6. Under subsection (3), a declarant also warrants to a residential purchaser that an existing use contemplated by the parties does not violate applicable law. The declarant, therefore, is liable for any violation of housing codes or other laws which renders any existing use of the condominium unlawful.

7. The issue of declarant liability for warranties is an important one in cases where a transfer of the declarant's rights occurs, either as an arm's length transaction, as a transfer to an affiliate, or as a transfer by foreclosure or a deed in lieu of foreclosure. Subsection (6) makes clear that a conveyance of a unit transfers to the purchaser all warranties of quality made by any declarant, and RCW 64.34.316(2)(a) makes clear that the original declarant remains liable for all warranties of quality with respect to improvements made by the declarant, even after the declarant transfers all declarant rights, regardless of whether the unit is purchased from the declarant who made the improvements. If the successor declarant is an affiliate of the original declarant, it is clear, under both RCW 64.34.316(2)(b) and RCW 64.34.445(5), that the original declarant remains liable for warranties of quality or improvements made by his successor even after the declarant himself ceases to have any special declarant rights.

8. As to the liabilities of successor declarants for warranties of quality, a successor who is an affiliate of a declarant is liable, pursuant to RCW 64.34.316(5)(a), for warranties or improvements made by the successor declarant's predecessor. However, any non-affiliated successor of the original declarant is liable only for warranties of quality for improvements made or contracted for by such successor, and is not liable for warranties which may lie against the original declarant even if the success or sells units completed by the original declarant to a purchaser. See RCW 64.34.316(5)(b). In the case of a foreclosing lender, this is the same result as that reached under Section 2-309(f) of ULTA. The same result is also reached under ULTA in the case of a successor who, under ULTA Section 3-309(b), would be a seller in the business of selling real estate since under that subsection the seller is liable only for warranties or improvements made or contracted for by such seller.

RCW 64.34.450. EXCLUSION OR MODIFICATION OF IMPLIED WARRANTIES OF QUALITY.

1. This section parallels Section 2-311(b) and (c) of ULTA.

2. Under this section, implied warranties of quality may be disclaimed in writing. However, a warranty disclaimer clause, like any other contract clause, is subject to a possible court holding of unconscionability.

3. Except as against purchasers of residential units, there are no formal standards for the effectiveness of a disclaimer clause. All that is necessary under this section is that the disclaimer be calculated to effectively notify the purchaser of the nature of the disclaimer.

4. Under subsection (2), general disclaimers of implied warranties are not permitted with respect to purchasers of residential units. However, a declarant may disclaim liability for a specified defect or a specified failure to comply with applicable law in an instrument signed by such a purchaser. The requirement that the disclaimer as to each defect or failure be in a signed instrument is designed to insure that the declarant sufficiently calls each defect or failure to the purchaser's attention and that the purchaser has the opportunity to consider the effect of the particular defect or failure upon the bargain of the parties. Consequently, this section imposes a special burden upon the declarant who desires to make a "laundry list" of defects or failures by requiring him to emphasize each item on such a list and make its import clear to prospective purchasers. For example, the declarant of a conversion condominium might, consistent with this subsection, disclaim certain warranties for "all electrical wiring and fixtures in the building, the furnace, all materials comprising or supporting the roof, and all components of the air conditioning system."

5. This section is not intended to be inconsistent with, or to prevent, the use of insured warranty programs offered by some home builders. However, under the Act, the implied warranty that a new condominium unit will be suitable for ordinary uses (i.e., habitable) and will be constructed in a sound, workmanlike manner, and free of defective materials, cannot be disclaimed by general language.

RCW 64.34.____. STATUTE OF LIMITATIONS FOR WARRANTIES.

1. Unlike Section 4-116(1) of the UCA, the statute of limitations under RCW 64.34.____(1) of the Act may not be shortened even by written agreement between the parties.

2. Except for warranties of quality which explicitly refer to future performance or duration, a cause of action for breach of warranty of quality would normally arise with respect to a unit, when the purchaser to whom it is first made enters into possession; and with respect to a common element, when the first unit is sold or, if later, when the common element is created or added to the condominium. Suit on such a warranty would thus have to be brought within four years thereafter, unless such period is extended with respect to the common elements as a result of the declarant's maintaining control of the association under RCW 64.34.308(4). Neither the failure nor the inability to discover the breach will not delay the running of the statute of limitations.

RCW 64.34.455. EFFECT OF VIOLATIONS ON RIGHTS OF ACTION; ATTORNEY'S FEES.

This section provides a general cause of action or claim for relief for failure to comply with the Act by either a declarant or any other person subject to the Act's provisions. Such persons might include unit owners, persons exercising a declarant's rights of appointment pursuant to RCW 64.34.308(4), or the association. A claim for appropriate relief might include damages, injunctive relief, specific performance, rescission or reconveyance if appropriate under the law of the state, or any other remedy normally available under state law. The section specifically refers to "any person or class of persons" to indicate that any relief available under the state class action statute would be available in circumstances where a failure to comply with this Act has occurred. This section permits attorney's fees to be awarded in the discretion of the court to any party that prevails in any action.

RCW 64.34.460. LABELING OF PROMOTIONAL MATERIAL.

1. RCW 64.34.232(3) requires that the survey maps and plans for every condominium indicate whether or not any improvement that might be built in the condominium must be built. RCW 64.34.410 requires copies of the survey maps and plans be provided to purchasers as part of the public offering statement. This section requiring the labeling of improvements depicted on promotional material is appropriate to ensure that purchasers are not deceived with respect to which

improvements the declarant is obligated to make in a particular condominium project.

2. Since no contemplated improvements on real estate subject to development rights need be shown on survey maps and plans, additional labeling is required by this section to insure that, if the declarant shows any contemplated improvements in his promotional material which are not shown on the survey maps and plans, those improvements must also be appropriately labeled.

RCW 64.34.465. DECLARANT'S OBLIGATION TO COMPLETE AND RESTORE.

1. Subsection (1) requires the declarant to complete any improvement which the plats or plans indicate, pursuant to the requirements of RCW 64.34.232(3), "MUST BE BUILT." This is a fundamental obligation of the declarant and is one with which a successor declarant is obligated to comply under RCW 64.34.316.

2. Under subsection (2), if a declarant exercises the right to use an easement which is created by RCW 64.34.260, or if the declarant maintains model units or signs on the condominium, the declarant is obligated to restore the portions of the condominium used to a condition compatible with the remainder of the condominium.

RCW 64.34.____. SUBSTANTIAL COMPLETION OF UNITS.

1. This section makes it clear that contracts for sale can validly be entered into before recording the declaration and survey map and plans.

2. RCW 64.34.200(2) prohibits filing a declaration until all units thereby created are substantially completed in accordance with the plans required to be recorded by RCW 64.34.232 of this act. As discussed in comments to RCW 64.34.200, a unit may be sufficiently completed to enable plans to be recorded, but not be finished and ready for occupancy. This section requires that the unit at the time of conveyance be substantially completed and ready for occupancy unless the purchaser and seller specifically agree otherwise, thus protecting the purchaser in the usual transaction and also permitting by agreement the purchase and sale of "shell" condominium units.

RCW 64.34.940. CONSTRUCTION AGAINST IMPLICIT REPEAL.

This section derives from Section 1-104 of the Uniform Commercial Code.

RCW 64.34.950. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

This Act should be construed in accordance with its underlying purpose of making uniform the law with respect to condominiums, as well as the purposes stated in the Prefatory Note of simplifying, clarifying, and modernizing the law of condominiums, promoting the interstate flow of funds to condominiums, and protecting consumers, purchasers and borrowers against condominium practices which may cause unreasonable risk of loss to them. Accordingly, the text of each section should be read in light of the purpose and policy of the rule or principle in question, and also of the Act as a whole.

**SENATE ROSTER
AND
COMMITTEE ASSIGNMENTS**

1990 — SENATE ROSTER
FIFTY-FIRST LEGISLATURE

| Name of Member | Dis- trict | Poli- tics | County | Mailing Address |
|------------------------|---------------|---------------|--|--|
| Amondson, Neil | 20 | R | Lewis Thurston, part | <u>Mail:</u> 203 Institutions Bldg. Olympia 98504 <u>Home Address:</u> 1104 Fieldcrest Avenue Centralia 98531 |
| Anderson, Ann | 42 | R | Whatcom, part | 2718 McLeod Road Bellingham 98225 Note: The above address is the district office. |
| Bailey, Cliff | 39 | R | Snohomish, part | 13019 99th Avenue S.E. Snohomish 98290 <u>District Office:</u> 21 Avenue A, Suite A Snohomish 98290 |
| Barr, Scott | 7 | R | Ferry Lincoln Pend Oreille Stevens Okanogan, part Spokane, part | 409 Old Dominion Road Colville 99114 |
| Bauer, Albert | 49 | D | Clark, part | 13611 N.E. 20th Avenue Vancouver 98686 |
| Bender, Rick S. | 44 | D | King, part Snohomish, part | <u>Mail:</u> 402A John Cherberg Bldg. Olympia 98504 <u>Home Address:</u> 16209 Simonds Road N.E. Bothell 98011 |
| Benitz, Max E. | 8 | R | Benton, part | Route 2, Box 2521 Prosser 99350 |
| Bluechel, Alan | 45 | R | King, part | 9901 N.E. 124th #505 Kirkland 98034 |
| Cantu, Emilio | 41 | R | King, part | 4416 138th Avenue S.E. Bellevue 98006 |
| Conner, Paul H. | 24 | D | Clallam Jefferson Grays Harbor, part | 195 Pinnell Road Sequim 98382 |
| Craswell, Ellen | 23 | R | Kitsap, part | 8066 Chico Way N.W. Bremerton 98312 |
| DeJarnatt, Arlie U. | 19 | D | Pacific Wahkiakum Cowlitz, part Grays Harbor, part | <u>Mail:</u> 401B Legislative Bldg. Olympia 98504 <u>Home Address:</u> 7401 Willow Grove Road Longview 98632 |
| Fleming, George | 37 | D | King, part | 422 John Cherberg Bldg. Olympia 98504 |

| Year of Birth | Birthplace | Occupation | Previous Years Served | |
|---------------|--------------------|---|---|-----------|
| | | | Senate | House |
| 1954 | Washington | Properties Manager | Elected 11/8/88-1989 | 1987-1988 |
| 1952 | Washington | Accountant | 1987-1989 | ..... |
| 1926 | Washington | Farmer | 1985-1989 | ..... |
| 1916 | Washington | Grain, Cattle and Timber Producer, Semi-Retired | 1983-1989 | 1977-1982 |
| 1928 | Montana | Retired Teacher - Farmer | 1981-1989 | 1971-1980 |
| 1949 | Alaska | Executive Secretary, Seattle Building Trades Council | 1983-1989 | 1973-1982 |
| 1916 | Kansas | Agri-business | 1975-1989 | 1969-1974 |
| 1924 | Alberta, Canada | President, Loctwall Corp. | 1975-1989 | 1967-1974 |
| 1926 | Texas | Engineering Supervisor | 1985-1989 | 1981-1984 |
| 1925 | Washington | Longshoreman | Appt. 7/57-1959 Elected 11/77-1989 | 1959-1977 |
| 1932 | Washington | Housewife | 1981-1989 | 1977-1980 |
| 1923 | Indiana | Retired Educator | 1985-1989 | 1961-1970 |
| 1938 | Texas | Community Development Mgr., US West Communications | 1971-1989 | 1969-1970 |

JOURNAL OF THE SENATE

| Name of Member | Dis- trict | Poli- tics | County | Mailing Address |
|-------------------------|---------------|---------------|--|---|
| Gaspard, Marcus S. | 25 | D | Pierce, part | 2105 McElroy Place NW Puyallup 98371 |
| Hansen, Frank "Tub" | 13 | D | Adams, part Grant, part Kittitas, part Yakima, part | 1963 Westshore Drive Moses Lake 98837 |
| Hayner, Jeannette | 16 | R | Walla Walla Benton, part Franklin, part | Box 454 Walla Walla 99362 |
| Johnson, Stanley C. | 28 | R | Pierce, part | 7302 66th Avenue W. Tacoma 98467 |
| Kreidler, Mike | 22 | D | Thurston, part | 425 John Cherberg Bldg. Olympia 98504 |
| Lee, Eleanor | 33 | R | King, part | P.O. Box 390 Seahurst 98062 |
| Madsen, Ken | 2 | D | Pierce, part Thurston, part | P.O. Box 370 Roy 98580 |
| Matson, Jim | 14 | R | Yakima, part | 201 Institutions Bldg. Olympia 98504 |
| McCaslin, Bob | 4 | R | Spokane, part | 105 Institutions Bldg. Olympia 98504 |
| McDonald, Dan | 48 | R | King, part | <u>Mail:</u> 300 John Cherberg Bldg. Olympia 98504 <u>Home Address:</u> 4650 92nd N.E. Bellevue 98004 |
| McMullen, Patrick R. | 40 | D | San Juan Skagit, part Whatcom, part | P.O. Box 152 Sedro Woolley 98284 |
| Metcalf, Jack | 10 | R | Island Skagit, part Snohomish, part | 3273 Saratoga Road Langley 98260 |
| Moore, Ray | 36 | D | King, part | 100 W. Highland Drive No. 402 Seattle 98119 |
| Murray, Patty | 1 | D | King, part Snohomish, part | 528 N.W. 203rd Place Seattle 98177 |
| Nelson, Gary A. | 21 | R | Snohomish, part | 9710 Wharf Street Edmonds 98020 |
| Newhouse, Irv | 15 | R | Benton, part Yakima, part | 1160 Murray Road Mabton 98935 |

1990 — SENATE ROSTER—continued

2097

| Year of Birth | Birthplace | Occupation | Previous Years Served | |
|---------------|------------|--|------------------------|----------------------|
| | | | Senate | House |
| 1948 | Washington | Real Estate & Property Mgmt. | 1977-1989 | 1973-1976 |
| 1913 | Washington | Retired Cattle Rancher & Farmer | 1979-1989 | 1973-1978 |
| 1919 | Oregon | Lawyer | 1977-1989 | 1973-1977 |
| 1930 | Minnesota | Owner/Pres. Gerrish Brg. & Indust. Supplies, Inc. | 1985-1989 | Elected 11/4/80-1984 |
| 1943 | Washington | Optometrist | 1985-1989 | 1977-1984 |
| 1931 | Illinois | Owner & Business Mgr. Residential Improvement Firm | Elected 11/77-1989 | 1975-1977 |
| 1939 | Idaho | Washington Natural Gas Company | Appt. 12/14/87-1989 | 1985-1987 |
| 1927 | Washington | Fruit Business | 1969-1980, 1989 | ..... |
| 1926 | Ohio | Real Estate Broker | 1981-1989 | ..... |
| 1944 | Washington | Mech. Engineer/Economist | Appt. 9/19/83-1989 | 1979-1983 |
| 1945 | Washington | Attorney | Appt. 10/1/87-1989 | 1983-1987 |
| 1927 | Washington | Retired Teacher | 1967-1974 1981-1989 | 1961-1964 |
| 1912 | Washington | ..... | 1979-1989 | ..... |
| 1950 | Washington | Former Instructor at Shoreline Community College | 1989 | ..... |
| 1936 | Washington | Engineering Manager Private Utility | 1987-1989 | 1973-1986 |
| 1920 | Washington | Farmer | Appt. 12/9/80-1989 | 1965-1979 |

JOURNAL OF THE SENATE

| Name of Member | Dis- trict | Poli- tics | County | Mailing Address |
|---------------------------------|---------------|---------------|--|---|
| Niemi, Janice | 43 | D | King, part | 226 Summit Avenue E. Seattle 98102 |
| Owen, Brad | 35 | D | Mason Grays Harbor, part Kitsap, part Thurston, part | 402B John Cherberg Bldg. Olympia 98504 |
| Patrick, Michael E. | 47 | R | King, part | 18809 134th Ave SE Renton 98058 |
| Patterson, E. G. "Pat" | 9 | R | Asotin Columbia Garfield Whitman Adams, part Franklin, part | N.E. 400 Campus Pullman 99163 |
| Rasmussen, A. L. "Slim" | 29 | D | Pierce, part | 5415 "A" Street Tacoma 98408 |
| Rinehart, Nita | 46 | D | King, part | 4515 51st Avenue N.E. Seattle 98105 |
| Saling, Gerald L. (Jerry) | 5 | R | Spokane, part | 12515 N. Fairwood Drive Spokane 99218 |
| Sellar, George L. | 12 | R | Chelan Douglas Grant, part Kittitas, part Okanogan, part | 1324 Terrace Drive East Wenatchee 98802 |
| Smith, Linda A. | 18 | R | Clark, part Cowlitz, part | 10009 N.W. Ridgecrest Avenue Vancouver 98685 |
| Smitherman, Bill | 26 | D | Kitsap, part Pierce, part | 419 John Cherberg Bldg. Olympia 98504 |
| Stratton, Lois J. | 3 | D | Spokane, part | 1724 West Mansfield Spokane 99205 |
| Sutherland, Dean | 17 | D | Klickitat Skamania Clark, part | 23503 N.E. 108th Street Vancouver 98682 |
| Talmadge, Phil | 34 | D | King, part | 1725 S.W. Roxbury, 6 Seattle 98106 Note: The above address is the district office. |
| Thorsness, Leo K. | 11 | R | King, part | <u>District Office:</u> 607 SW Grady Way P. O. Box 356 Renton 98057 |

1990 — SENATE ROSTER—continued

| Year of Birth | Birthplace | Occupation | Previous Years Served | |
|---------------|------------|--|----------------------------------|----------------------------|
| | | | Senate | House |
| 1928 | Michigan | Attorney | Appt. 9/19/87-1989 | 1983-1987 |
| 1950 | Washington | Small Businessman | 1983-1989 | Elected 11/2/76-1982 |
| 1940 | Washington | Seattle Police Officer (Retired) | | 1981-1988 |
| 1919 | Washington | Retired WSU Administrator | 1981-1989 | 1973-1980 |
| 1909 | Washington | Retired | 1961-1967 Appt. 10/71-1989 | 1945-1960 |
| 1940 | Texas | Legislator | 1983-1989 | Appt. 11/13/79- 1982 |
| 1928 | Washington | Retired Educator | 1985-1989 | 1965-1971 |
| 1929 | Illinois | Port of Chelan County, Director of Water Resources | Appt. 1/7/72-1989 | ..... |
| 1950 | Colorado | Tax Consultant | Elected 11/3/87- 1989 | Elected 11/8/83-1987 |
| 1943 | Oklahoma | Mgmt-Planning Consultant | Elected 11/4/86-1989 | 1983-1986 |
| 1927 | Washington | Retired | 1985-1989 | Appt. 1979-1984 |
| 1954 | Minnesota | Electrician | Elected 11/8/88-1989 | 1983-1988 |
| 1952 | Washington | Attorney | 1979-1989 | ..... |
| 1932 | Minnesota | Speaker, Investor | Elected 11/8/88-1989 | ..... |

JOURNAL OF THE SENATE

| Name of Member | Dis- trict | Poli- tics | County | Mailing Address |
|---------------------------------|---------------|---------------|-----------------------------------|---|
| Vognild, Larry L. | 38 | D | Snohomish, part | 1710 32nd Street Everett 98201 |
| von Reichbauer, Peter | 30 | R | King, part Pierce, part | P.O. Box 3737 Federal Way 98063-3737 |
| Warnke, Frank J. | 31 | D | King, part Pierce, part | 29457 51st Avenue S. Auburn 98001 |
| West, James E. | 6 | R | Spokane, part | P.O. Box 2744 Spokane 99220-2744 |
| Williams, Al | 32 | D | King, part | 4801 Fremont Avenue N. Seattle 98103 |
| Wojahn, R. Lorraine | 27 | D | Pierce, part | 407A Legislative Bldg. Olympia 98504 |
| Pritchard, Lt. Gov. Joel | | R | President of the Senate | 304 Legislative Building Olympia 98504 |
| Golob, Gordon, Sec of Sen | | R | Secretary of the Senate | 306 Legislative Bldg. Olympia 98504 |
| Naismith, Nate, Dep Sec | | R | Deputy Secretary of the Senate | 5306 Aspinwall Ct. N.W. Olympia 98502 |
| LaPold, George W. | | | Sergeant at Arms | 3226 Locust Avenue Bellingham 98225 |

1990 — SENATE ROSTER—continued

| Year of Birth | Birthplace | Occupation | Previous Years Served | |
|---------------|--------------|--|-------------------------|------------------------|
| | | | Senate | House |
| 1932 | Washington | Ret.-Everett Fire Dept., Small Business Owner (Ret.) | 1979-1989 | ..... |
| | Washington | Business | 1974-1989 | ..... |
| 1933 | Montana | Labor Relations Director | 1983-1989 | 1965-1967 1973-1982 |
| 1951 | Oregon | President/ Manager JWAV, Ltd. | 1987-1989 | 1983-1986 |
| 1930 | North Dakota | Architect | Appt. 1/27/78-1989 | 1970-1977 |
| 1920 | Washington | ..... | 1977-1989 | 1969-1976 |
| 1925 | Washington | Lieutenant Governor | 1967-1970, 1989 | 1959-1966 |
| 1939 | Idaho | Attorney | Elected 1/11/88-1989 | ..... |
| 1951 | Washington | Professional | Appt. 12/1/87-1989 | ..... |
| 1929 | California | Retired Law Enforcement Officer | Elected 1/11/88-1989 | ..... |

**Membership of
Senate Standing Committees
1990**

AGRICULTURE (7) — Barr, Chair; Anderson, Vice Chair; Bailey, Gaspard, *Hansen, Madsen, Newhouse.

CHILDREN AND FAMILY SERVICES (5) — Smith, Chair; Craswell, Vice Chair; Bailey, *Stratton, Vognild.

ECONOMIC DEVELOPMENT AND LABOR (11) — Lee, Chair; Anderson, Vice Chair; Matson, McDonald, McMullen, Murray, Saling, *Smitherman, Warnke, West, Williams.

EDUCATION (11) — Bailey, Chair; Lee, Vice Chair; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, *Rinehart.

ENERGY AND UTILITIES (9) — Benitz, Chair; Bluechel, Vice Chair; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, *Williams.

ENVIRONMENT AND NATURAL RESOURCES (9) — Metcalf, Chair; Amondson, Vice Chair; Barr, Benitz, DeJarnatt, Kreidler, *Owen, Patterson, Sutherland.

FINANCIAL INSTITUTIONS AND INSURANCE (11) — von Reichbauer, Chair; Johnson, Vice Chair; Fleming, Matson, McCaslin, McMullen, *Moore, Rasmussen, Sellar, Smitherman, West.

GOVERNMENTAL OPERATIONS (5) — McCaslin, Chair; Thorsness, Vice Chair; *DeJarnatt, Patrick, Sutherland.

HEALTH AND LONG-TERM CARE (7) — West, Chair; Smith, Vice Chair; Amondson, Johnson, *Kreidler, Niemi, Wojahn.

HIGHER EDUCATION (7) — Saling, Chair; Patterson, Vice Chair; *Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

LAW AND JUSTICE (11) — Nelson, Chair; McCaslin, Vice Chair; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, *Talmadge, Thorsness.

RULES (16) — *Pritchard, Chair; Bluechel, Vice Chair; Anderson, Bauer, Cantu, Conner, Craswell, Hayner, Johnson, Matson, Newhouse, Rasmussen, Rinehart, Sellar, *Vognild, Warnke, Wojahn.

TRANSPORTATION (15) — Patterson, Chair; Thorsness, Vice Chair; von Reichbauer, Vice Chair; Barr, *Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, McMullen, Murray, Nelson, Patrick, Sellar.

WAYS AND MEANS (23) — McDonald, Chair; Craswell, Vice Chair; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, *Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Member Assignments to Senate Standing Committees

1990

- AMONDSON, Neil — Environment and Natural Resources, Vice Chair; Health and Long-Term Care, Ways and Means.
- ANDERSON, Ann — Agriculture, Vice Chair; Economic Development and Labor, Vice Chair; Education, Rules.
- BAILEY, Cliff — Education, Chair; Agriculture, Children and Family Services, Ways and Means.
- BARR, Scott — Agriculture, Chair; Environment and Natural Resources, Transportation.
- BAUER, Albert — *Higher Education, Rules, Ways and Means.
- BENDER, Rick S. — Education, *Transportation.
- BENITZ, Max E. — Energy and Utilities, Chair; Education, Environment and Natural Resources, Transportation.
- BLUECHEL, Alan — Energy and Utilities, Vice Chair; Rules, Vice Chair; Ways and Means.
- CANTU, Emilio — Higher Education, Rules, Ways and Means.
- CONNER, Paul H. — Rules, Transportation.
- CRASWELL, Ellen — Children and Family Services, Vice Chair; Ways and Means, Vice Chair; Education, Rules.
- DeJARNATT, Arlie U. — Environment and Natural Resources, *Governmental Operations, Transportation.
- FLEMING, George — Education, Financial Institutions and Insurance, Ways and Means.
- GASPARD, Marcus S. — Agriculture, Education, *Ways and Means.
- HANSEN, Frank "Tub" — *Agriculture, Transportation.
- HAYNER, Jeannette — Law and Justice, Rules, Ways and Means.
- JOHNSON, Stanley C. — Financial Institutions and Insurance, Vice Chair; Health and Long-Term Care, Rules, Ways and Means.
- KREIDLER, Mike — Environment and Natural Resources, *Health and Long-Term Care.
- LEE, Eleanor — Economic Development and Labor, Chair; Education, Vice Chair; Ways and Means.
- MADSEN, Ken — Agriculture, Law and Justice, Transportation.
- MATSON, Jim — Economic Development and Labor, Financial Institutions and Insurance, Rules, Ways and Means.
- McCASLIN, Bob — Governmental Operations, Chair; Law and Justice, Vice Chair; Financial Institutions and Insurance.
- McDONALD, Dan — Ways and Means, Chair; Economic Development and Labor.
- McMULLEN, Patrick R. — Economic Development and Labor, Financial Institutions and Insurance, Transportation.
- METCALF, Jack — Environment and Natural Resources, Chair; Education, Energy and Utilities.
- MOORE, Ray — *Financial Institutions and Insurance, Ways and Means.
- MURRAY, Patty — Economic Development and Labor, Education, Transportation.
- NELSON, Gary A. — Law and Justice, Chair; Energy and Utilities, Transportation.
- NEWHOUSE, Irv — Agriculture, Law and Justice, Rules, Ways and Means.
- NIEMI, Janice — Health and Long-Term Care, Law and Justice, Ways and Means.
- OWEN, Brad — Energy and Utilities, *Environment and Natural Resources, Ways and Means.
- PATRICK, Michael E. — Energy and Utilities, Governmental Operations, Transportation.
- PATTERSON, E. G. "Pat" — Transportation, Chair; Higher Education, Vice Chair; Environment and Natural Resources.

* - Ranking Minority Member

** - Lt. Gov. Pritchard is a voting member

- RASMUSSEN, A. L. "Slim" — Financial Institutions and Insurance, Law and Justice, Rules.
- RINEHART, Nita — *Education, Law and Justice, Rules.
- SALING, Gerald L. (Jerry) — Higher Education, Chair; Economic Development and Labor, Ways and Means.
- SELLAR, George L. — Financial Institutions and Insurance, Rules, Transportation.
- SMITH, Linda A. — Children and Family Services, Chair; Health and Long-Term Care, Vice Chair; Ways and Means.
- SMITHERMAN, Bill — *Economic Development and Labor, Financial Institutions and Insurance, Higher Education.
- STRATTON, Lois J. — *Children and Family Services, Energy and Utilities, Higher Education.
- SUTHERLAND, Dean — Energy and Utilities, Environment and Natural Resources, Governmental Operations.
- TALMADGE, Phil — *Law and Justice, Ways and Means.
- THORSNESS, Leo K. — Governmental Operations, Vice Chair; Transportation, Vice Chair, Law and Justice.
- VOGNILD, Larry L. — Children and Family Services, *Rules.
- von REICHBAUER, Peter — Financial Institutions and Insurance, Chair; Transportation, Vice Chair; Higher Education.
- WARNKE, Frank J. — Economic Development and Labor, Rules, Ways and Means.
- WEST, James E. — Health and Long-Term Care, Chair; Economic Development and Labor, Financial Institutions and Insurance.
- WILLIAMS, Al — Economic Development and Labor, *Energy and Utilities, Ways and Means.
- WOJAHN, R. Lorraine — Health and Long-Term Care, Rules, Ways and Means.

GOVERNOR'S MESSAGE ON SENATE BILL
SIGNED AFTER ADJOURNMENT
1990 SECOND SPECIAL SESSION

June 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on June 6, 1990, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 6913

Relating to local government.

Sincerely,

Thomas J. Felnagle, Legal Counsel to the Governor

GOVERNOR'S MESSAGES ON SENATE BILLS
VETOED AND PARTIALLY VETOED

1990 REGULAR SESSION, FIRST AND SECOND SPECIAL SESSIONS

April 13, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Senate Bill No. 5371 entitled:

"AN ACT Relating to excellence in teacher preparation."

This bill establishes two important programs. It creates an annual award program to recognize excellent higher education teacher educators. The second portion of the bill establishes the excellence in teacher preparation program to provide cooperating teachers to all student teachers during their internship with local school districts. Both programs are essential components in our continuing efforts to improve teacher preparation and I am pleased to sign them into law.

Section 8 of the bill, however, delays the effective date for the sections of the bill that establish the excellence in teacher preparation program. It is important that this program go into effect without delay to allow the Superintendent of Public Instruction to publish regulations and the institutions of higher education to begin the planning process that will enable them to begin operating the program as soon as funds are appropriated.

For the reasons stated above, I have vetoed section 8.

With the exception of section 8, Senate Bill No. 5371 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 31, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Second Substitute Senate Bill No. 5835 entitled:

"AN ACT Relating to energy education."

This bill requires the Superintendent of Public Instruction, with the assistance of an Energy Education Advisory Committee, to develop and disseminate an energy information program for use in local school districts.

It is essential that the state's citizens understand the need for using energy efficiently and the trade-offs associated with acquiring energy resources. I concur that it is desirable to begin a public education campaign on energy issues through our school system.

Section 3 requires the Superintendent of Public Instruction to establish an Energy Education Advisory Committee but includes no sunset date for that committee. Currently, the Superintendent has authority to establish ad-hoc committees as the need arises. The Superintendent has assured me that individuals representing a broad spectrum of viewpoints on energy issues will be consulted.

For the reasons stated above, I have vetoed section 3 of Second Substitute Senate Bill No. 5835.

With the exception of section 3, Second Substitute Senate Bill No. 5835 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 29, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 3, Second Substitute Senate Bill No. 5882 entitled:

"AN ACT Relating to reckless, negligent, and inattentive driving."

Section 1 of this bill makes the crime of reckless driving a gross misdemeanor punishable by imprisonment of up to one year and by a fine of up to five thousand dollars. Increased penalties for this serious traffic offense should be a useful tool to prosecutors, police and judges.

Section 2 provides a 90-day maximum jail sentence for the less serious traffic offense of negligent driving. Currently, negligent driving is not punishable by imprisonment. While the overall intent of this bill is to provide judges with more options through increased penalties, this particular change fails to accomplish the intended result. It is counterproductive to increase the penalty for negligent driving while at the same time trying to reduce the number of cases that are plea-bargained from DWI and reckless driving to negligent driving. Of additional concern is the drain on resources associated with this change. Emphasis must be placed on providing the jail space and law enforcement personnel to assure convictions and stiff sentences for our most serious criminal and traffic offenders. I encourage the Legislature, working together with local officials, to pursue comprehensive solutions for our criminal justice system.

Section 3 creates a new traffic infraction of inattentive driving. The definition of this new infraction potentially punishes behavior where no erratic driving is present and thus creates enforcement problems for the police. Existing specific violations are adequate and this infraction is unnecessary.

For the reasons stated, I have vetoed sections 2 and 3.

With the exception of sections 2 and 3, Second Substitute Senate Bill No. 5882 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 23, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6114 entitled:

"AN ACT Relating to corrections."

This measure creates a statutory formula for providing mitigation funds to counties where state correctional facilities are located. The Department of Corrections is required to provide funds based on the number of inmates' families living in close proximity to the facility.

It is the policy of this state to reimburse local governments for the direct impacts experienced by the location of correctional facilities. The Institutional Impact Account has been created to ensure that counties are compensated when they provide services required by the activities of inmates.

This bill, however, proposes to go further by providing mitigation funds for impacts that are not directly associated with the operation of the facility. Further, the term "close proximity" is inexact, as is the term "inmate family." Thus, this bill provides neither a clear rationale nor a workable model for providing mitigation funds.

For these reasons, I have vetoed Senate Bill No. 6114 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

March 29, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Substitute Senate Bill No. 6190 entitled:

"AN ACT Relating to prevention of head injuries."

Section 5 requires the Department of Health to establish a state-wide trauma registry to collect information on the incidence, severity, and causes of traumatic brain injury. This registry is to identify and track major brain injury cases from onset through rehabilitation or recovery, and is to keep specific statistics on helmet and non-helmet, motorcycle-related head and neck injuries. This section would also require the Department of Health to report to the Legislature on the feasibility of expanding the registry to include information on minor brain injuries.

This bill contains an appropriation of \$49,000 to the Department of Health for all the purposes of this act. The Department's estimate of the fiscal impact of section 5 alone is nearly \$500,000. I cannot in good conscience sign into law a program which will put the Department of Health at such a fiscal risk.

However, I am signing into law Substitute Senate Bill No. 6191. Substitute Senate Bill No. 6191 requires the Department of Health to establish a state-wide data registry to collect and analyze data on the incidence, severity, and causes of trauma, including traumatic brain injury. That provision is more comprehensive than section 5 of Substitute Senate Bill No. 6190. It is very likely that if adequately funded, the Department could collect the information required by section 5 of Substitute Senate Bill No. 6190 in the overall trauma registry of Substitute Senate Bill No. 6191.

For these reasons, I have vetoed section 5 of Substitute Senate Bill No. 6190.

With the exception of Section 5, Substitute Senate Bill No. 6190 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 31, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6253 entitled:

"AN ACT Relating to the regulatory taking of private property by state government."

This bill sets a bad precedent by attempting to turn a complex and changing legal area into an overly simplistic administrative checklist. The bill also sends a very threatening message to agencies regarding the regulation of land use for health, safety and environmental protection. In addition, it creates an administrative process intended, but legally unable, to replace a current judicial process.

While it is true that both the state and U.S. Constitutions prohibit the "taking" of property without just compensation, it is not true that any regulation of land amounts to a "taking." More importantly, should a regulation amount to a constitutional infringement on someone's property rights, the analysis may well be that of a violation of due process, rather than a "taking", in which case the remedy is invalidation not compensation. The recent Washington Supreme Court opinion, Presbytery of Seattle v. King County, re-emphasized that there is only a slight risk of a taking occurring from regulatory programs, such as King County's wetland ordinance.

This bill would establish yet another administrative layer in state government. In conducting rule-making, state agencies currently must comply with the Administrative Procedure Act, the Regulatory Fairness Act, the State Economic Policy Act, and the State Environmental Policy Act. All agency rules are also submitted to a joint legislative committee for review (JARRC). Yet another layer would only further delay agency action and provide more reason for the public to view government as an administrative nightmare.

This bill would require the Attorney General's office to develop guidelines for evaluating and avoiding the risk of "regulatory takings." The Attorney General's office, in its role of advising each state agency, already reviews policies and provides advice on constitutional parameters. There is no need to codify the nature of the advice given, especially since the parameters have been and may continue to evolve within the judicial system.

The real impact of this bill is to impose an additional layer of review on governmental regulation in the hope that a more cautious approach by governmental entities will ensue. A bill such as this only serves to intimidate regulatory entities from making the difficult but necessary choices presented by the most sensitive environmental land-use problems.

For these reasons, I have vetoed Senate Bill No. 6253.

Respectfully submitted,
Booth Gardner, Governor

February 28, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1202, Second Substitute Senate Bill No. 6259, entitled:

"AN ACT Relating to criminal offenders."

Second Substitute Senate Bill No. 6259 is among the most significant legislation enacted in Washington State. Stemming from brutally violent crimes that recently rocked our state, this measure represents a comprehensive, balanced, and effective approach to addressing sexual violence in our communities.

In order to ensure that careful deliberation was given to changes in the state's criminal justice system's response to violent predatory crimes, I authorized the creation of the Governor's Task Force on Community Protection. The Task Force was able to reach broad agreement on the elements of this bill by listening not only to professionals who work with offenders and victims, but also to citizens around the state who had been touched by crime.

One of the Task Force's recommendations was the creation of a crime victims' advocate with programmatic responsibilities within the Department of Community Development. Section 1202 places the crime victims' advocate within the Governor's Office. A grant program is created separately within the Department of Community Development.

I endorse the creation of a crime victims' advocate to review and coordinate victim's programs. To prevent fragmentation, however, I believe the position should be located in an agency with program responsibilities.

For these reasons, I am vetoing section 1202 of Second Substitute Senate Bill No. 6259. In concert with this veto, I am promulgating an Executive Order establishing the office of crime victims' advocacy within the Department of Community Development.

Respectfully submitted,
Booth Gardner, Governor

March 30, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6292 entitled:

"AN ACT Relating to the control of mosquitos."

This bill allows local mosquito control districts to establish a policy that the control of mosquitos within the district is the responsibility of the owner of the land from which the mosquitos originate. However, section 1 of the bill expands the common definition of owner from the possessor of the legal or equitable title to include anyone with any other interest entitling the person to possession or management control. Individuals who are renting or leasing property would, therefore, be responsible for mosquito control. This definition would confuse landowners and tenants and would be inconsistent with other statutes relating to property ownership and management. For these reasons I have vetoed section 1.

With the exception of section 1, Senate Bill No. 6292 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 28, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2, 4, 5, and 6, Substitute Senate Bill No. 6306 entitled:

"AN ACT Relating to tenure modification at community colleges."

Section 2 of this bill amends the community college faculty tenure review process by changing the maximum probationary period language from "three consecutive college years, excluding summer quarters" to "nine consecutive college quarters, excluding summer quarters and approved leaves of absence". In addition, section 2 provides that the probationary period could be extended up to three additional college quarters upon the recommendation of the review committee, and with the consent of the probationary faculty member and the appointing authority. Both the institution and the probationer would benefit by these changes.

I am supportive of an initiative which clarifies, and possibly lengthens, the performance review of faculty appointees prior to the granting of tenure, as long as the initiative improves the review process. I do not believe, however, that this proposed legislation adequately corrects the problems associated with the award of faculty tenure following a probationary period.

Under current law, the appointing authority, upon deciding not to renew a probationary faculty appointment, is required to notify the probationer of its decision by no later than the last day of the winter quarter in the third consecutive college year. Since this requirement was not eliminated in conjunction with the probationary period changes, virtually no improvement is made to the current review process. With the removal of section 2, sections 1, 4, 5 and 6 are superfluous. For these reasons, I have vetoed sections 1, 2, 4, 5 and 6 of Substitute Senate Bill No. 6306.

Section 3 of this bill requires the State Board of Community College Education to conduct a study of salaries for faculty and administrators at Community Colleges. That study, which I support, is already underway. This provision has the benefit of formalizing that study and setting a reporting date.

With the exception of sections 1, 2, 4, 5, and 6, Substitute Senate Bill No. 6306 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 23, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6399 entitled:

"AN ACT Relating to employer cooperation with the office of support enforcement."

Section 1 dramatically reduces the sanctions against employers who unlawfully penalize a person who pays child support through wage assignment.

Employers have cooperated well with wage assignment statutes, and there has been no indication that the existing sanctions have been abused to the detriment of employers.

Employee protections were established in furtherance of public policy that encourages and protects persons who pay their child support. Children also benefit when persons supporting them are protected from arbitrary actions by employers.

With the exception of section 1, Senate Bill No. 6399 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 23, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 116(7), section 120(5), section 206(1)(a)(iv), section 207(1)(g), section 208(14), section 218(7), section 221(8), section 225(25), section 225(27), section 229(2)(c), section 229(3)(b), section 302(20), section 302(25), section 306(17), section 306(18), section 306(19), section 306(26), and section 705 of Substitute Senate Bill No. 6407 entitled:

"AN ACT Relating to fiscal matters."

My reasons for vetoing these sections are as follows:

Section 116(7)

This section directs the Office of Financial Management to study the Schools for the Deaf and Blind to determine the management organization and fiscal practices necessary for maximum operational and financial efficiency.

I am vetoing this item because these studies have already been done. Another study will not improve the operations of these schools. I will direct the Office of Financial Management to assist the schools to improve their efficiency and fiscal practices, but I do not feel another study at this time is needed.

Section 120(5)

Section 120(5) directs the Department of Revenue to immediately promulgate and implement a rule providing for fair and equitable applications of the business and occupation tax to persons engaged in business as tour operators. The Department has processes in place through which any taxpayer or group of taxpayers can appeal their treatment under the state's tax laws and Administrative Code. I am vetoing this subsection because it constitutes an inappropriate intrusion into the appeal and due process provisions already present in tax law and the Washington Administrative Code.

Section 206(1)(a)(iv)

Section 206(1)(a)(iv) requires that mentally ill nursing-home residents who do not need a nursing-home level of care be transferred and provided services through regional support networks. Further, the person may not be transferred without his or her consent or consent of his or her guardian.

This requirement for consent is in conflict with federal Medicaid requirements for nursing-homes, as amended by the Omnibus Budget Reconciliation Act of 1987. The federal law requires that, in some cases, mentally ill nursing-home residents who do not need a nursing-home level of care must be discharged. Were the state to allow persons meeting the federal discharge criteria to reside in Medicaid-funded nursing-homes, the federal government would not share in the nursing home cost of care.

Section 207(1)(g)

This item directs that portions of the money appropriated in section 207 are provided solely for salary and benefit increases for employees of community-contracted facilities serving the developmentally disabled. The chairs of the legislative fiscal committees have indicated by letter that the intent of the Legislature was that these funds be provided only to residential facilities serving the developmentally disabled. Therefore, to ensure that these funds are expended as intended, I am vetoing this item and directing the Department of Social and Health Services to expend the funds to provide salary and benefit increases effective May 1, 1990, for employees of community-contracted residential facilities serving the developmentally disabled.

Section 208(14)

This subsection directs that mentally ill persons not in need of nursing home care may be referred to residences outside regional support networks. Senate Bill

No. 5400 and the 1989 Biennial Budget bill directed the Department of Social and Health Services to implement the federal Omnibus Budget and Reconciliation Act of 1987 (OBRA). Senate Bill No. 5400 requires that funding be distributed to regional support networks for residential services for a variety of populations, including persons transferred from nursing homes. The budget bill appropriated all OBRA funding to the regional support networks. The Department, with legislative endorsement, is implementing OBRA beds incrementally in areas of the state with regional support networks. At this point of the biennium, the Department cannot shift course and reallocate funding differently and jeopardize programs being developed under the policies of Senate Bill No. 5400. I am vetoing this subsection to avoid this conflict.

Section 218(7)

This subsection restores chiropractic services to the medical assistance program but limits payments to ten treatments per recipient per twelve-month period. Limiting the number of chiropractic treatments by budget proviso is overly prescriptive. The Department of Social and Health Services intends to provide limited chiropractic services within the funds appropriated for this purpose. The Department has options to limit the number of treatments covered, which will ensure that the service can be provided within available funds. Within these general limits, the Department needs the ability to approve, on an exception basis, a greater number of treatments if it is determined to be medically necessary.

Section 221(8)

Section 221(8) limits to \$250,000 the amount of the General Fund-State appropriation that may be expended on the Automated Clients Eligibility System (ACES). If the cost of the project in this biennium exceeds the limit by any amount, the Department of Social and Health Services would not be able to continue with the project until review in the 1991 session.

The Department of Social and Health Services estimates the 1989-91 cost of ACES planning and development at \$339,000 General Fund-State. This estimate was provided to legislative staff, the Office of Financial Management, the Department of Information Services and the relevant federal agencies.

It is difficult to predict the federal match for the project. The amount of match currently assumed is tentative and could be revised by the participating federal agencies after the project is underway, making it impossible for the Department to guarantee that ACES expenditures will not exceed \$250,000 General Fund-State before executing a contract.

The Department will continue to comply with the requirements of section 802, chapter 19, Laws of 1989, 1st Extraordinary Session, which requires ongoing review of information system projects by the Department of Information Systems and the Office of Financial Management.

Section 225(25)

This subsection requires the Department of Community Development to establish a new and significant children's ombudsman program. I am vetoing this appropriation because \$90,000 is insufficient to create and properly administer a program of this scope. I will consider developing a budget item for inclusion in the 1991-93 biennium budget. The \$90,000 will be placed in reserve, and not used for any other purpose.

Section 225(27)

This subsection unduly restricts the Department of Community Development from adequately administering the Housing Trust Fund program by providing that none of the housing trust fund appropriation may be used for administrative expenses. While it is my expectation that the \$10 million appropriated will be expended on direct program activity, I am vetoing this subsection to make it clear that some of the interest earned on the \$10 million will be expended on administration, as allowed under the statute governing the Housing Trust Fund. The Department must have the ability to staff the program adequately in order to

expedite the availability of these funds for local programs and to ensure that projects and contracts are monitored, that repayments be managed, and that site visits be conducted.

Section 229(2)(c)

This subsection states that the civil commitment of sexual predators pursuant to chapter 3, Laws of 1990, shall be at the Twin Rivers Corrections Center. Flexibility is needed to place the program where it can be operated most efficiently and effectively within the Monroe correctional facilities.

Section 229(3)(b)

Section 229(3)(b) provides prison impact funding. I recognize that some local jurisdictions may experience extraordinary costs relating to expansion of correctional institutions. The language of this subsection restricts the use of the appropriation to a few local jurisdictions for new purposes. In the interest of equitable distribution of impact funds, I am directing the Department of Corrections to develop revisions to the Washington Administrative Code that will specify how local jurisdictions are to be reimbursed for these new actual costs that are clearly related to offender populations.

Section 302(20)

Section 302(20)(a) provides \$600,000 for grants to local jurisdictions to develop local wetlands protection and management programs. Section 302(20)(b) provides \$600,000 to the Department of Ecology, contingent on a wetlands protection bill being enacted. The Legislature did not pass a wetlands protection bill, and if section 302(20)(b) remains, the funding will lapse.

In the absence of a comprehensive wetlands protection bill, this money is necessary for the Department of Ecology to more fully utilize existing authority to protect wetlands. I am vetoing this subsection and am directing the Department of Ecology to use these funds for the stricter implementation and enforcement of current statutes and to provide a portion of the aforementioned grants to local jurisdictions.

Section 302(25)

Section 302(25) limits the Department of Ecology's June 1991 FTE level to not more than 154 above the agency's June 30, 1990, FTE level. This limitation on FTE growth unnecessarily limits the agency's ability to perform its required duties. The restriction on FTEs may not be sufficient to meet the Department of Ecology's growth assumed in the Supplemental Budget or those assumed in bills passed by the 1990 Legislature. In vetoing this section, I am directing the Department of Ecology to identify savings as a result of vacancies in Fiscal Year 1991 and directing that those savings remain unexpended.

Section 306(17)

Subsection 17 directs the Department of Community Development to implement a self-employment loan program as described in subsection 84 of House Bill No. 2929. Encouraging self-employment as an option for dislocated and low-income individuals is a worthwhile idea. However, the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bonds, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. The proposed self-employment loan program would be ongoing and would require support from the General Fund-State for continued operation in the next biennium.

Section 306(18)

Subsection 18 creates an industrial competitiveness program in the Department of Trade and Economic Development, as described in subsection 75 of Engrossed House Bill No. 2929. It is important to encourage the growth of value-added manufacturing in the state and to encourage smaller firms to work together to increase

their competitiveness. However, again the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bond sales, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. The industrial competitiveness program would be ongoing and would require support from the General Fund-State for continued operation in the next biennium. I am directing the Department of Trade and Economic Development to use existing general fund monies to provide assistance to facilitate efforts by small businesses to develop cooperative networks in order to increase their competitiveness.

Section 306(19)

Subsection 19 directs the Department of Community Development to provide grants for technical assistance for community-based organizations as described in subsection 83 of House Bill No. 2929. Efforts to increase the capacity of community-based organizations in low-income communities are valuable and worthwhile. However, the provisions contained in this section are overly prescriptive and have the potential to reduce the effectiveness of the existing successful Local Development Matching Fund program. Once again, the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bonds, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. I am directing the Department of Community Development to explore opportunities to provide training and technical assistance to community-based organizations serving low-income rural and urban areas.

Section 306(26)

Subsection 26 provides for a review of state-supported advanced-technology and technology-transfer economic development activities. While I applaud the Legislature for examining these important issues, the language contained in section 76 of House Bill No. 2929 is overly prescriptive given the size of the appropriation to support the review. I am directing the Department of Trade and Economic Development to utilize the available funds to evaluate existing state-supported applied research and technology transfer activities in the state. I am also directing the Department of Trade and Economic Development to conduct an initial examination of opportunities for collaboration between higher education, industry and the state as a way to increase the economic competitiveness of the state.

Section 705

This section forgives loans made to the cities of Federal Way and Sea-Tac that were supported by an Emergency Fund allocation to the Department of Community Development for that purpose. In modifying the Executive's decision in the matter of the allocation to the Department of Community Development in this way, the Legislature makes an unacceptable encroachment into gubernatorial authority and responsibility for the Governor's Emergency Fund.

With the exceptions of sections 116(7), 120(5), 206(1)(a)(iv), 207(1)(g), 208(14), 218(7), 221(8), 225(25), 225(27), 229(2)(c), 229(3)(b), 302(20), 302(25), 306(17), 306(18), 306(19), 306(26) and 705, Substitute Senate Bill No. 6407 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 30, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 13 and 33, Senate Bill No. 6408 entitled:

"AN ACT Relating to transportation appropriations."

Section 3 replaces \$750,000 of State Patrol Highway Account funds with an equal amount of Public Safety Education Account (PSEA) funds for the Safety Education program. Additionally, it appropriates \$250,000 of PSEA funds to enhance the Safety Education program. The Public Safety Education Account, already in precarious financial condition, has many beneficiaries, including the Crime Victims Compensation program. With the lifting of the crime victim's medical cap, the future demands on this fund may exceed estimated revenues. The operating budget conference committee should appropriate \$250,000 of State Patrol Highway Account funds to enhance the Safety Education Program, including the Bicycle Awareness program.

Section 13 appropriates state general funds and transportation funds to the newly created Air Transportation Commission. While I can support the purpose and need for creating a statewide Air Transportation Commission, I question the use of state general funds because the mission of this commission, as described in this legislation, does not include the broader perspective necessary to justify the use of general funds. Therefore, I will ask the House and Senate fiscal committee chairs to provide start-up and study funding for the Commission out of transportation funds.

Section 33 appropriates \$3,000,000 General Fund – State to the Department of Ecology (DOE) for distribution to local air pollution control authorities for activities relating to transportation-caused air pollution.

I question whether the activities described in this section should be paid from the state general fund or more appropriately paid out of transportation funds, as the focus of the program addresses "transportation-caused air pollution."

An issue as important as air quality should not be approached in a piecemeal fashion. DOE is currently developing a comprehensive program and budget request to address air pollution as a priority in the 1991 legislative agenda. Vehicle emissions monitoring and compliance is but one component of a comprehensive air quality program. This program will be developed using the Department's Environment 2010 report which is due this June.

It is appropriate that the issue of additional funding for local air pollution control authorities be addressed next session in the context of an overall comprehensive plan, and for these reasons, I have vetoed this section.

With the exception of sections 3, 13, and 33, Senate Bill No. 6408 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 30, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 315, Substitute Senate Bill No. 6417 entitled:

"AN ACT Relating to the capital budget."

This section provides \$500,000 from the State Wildlife Fund for a continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy Creek. Funds available to the State Wildlife Fund are extremely limited. Revenues may not be sufficient to cover projected expenditures next biennium. Additionally, initial studies by the Department of Wildlife have shown that the amount of water available at Grandy Creek is marginal to support a hatchery. Moreover, this project is being developed outside the normal Capital budget process, without a thorough review by the Department of Wildlife or the Office of Financial Management. The Department of Wildlife has not had the opportunity to rank this project in terms of its other capital needs. Given these factors, approval of the appropriation is not prudent. While I am opposing the project at this time, I am

willing to work with the Department of Wildlife, the Legislature, and interested groups in pursuing the feasibility of a steelhead facility on the Skagit River.

For the reasons stated above, I have vetoed section 315 of Substitute Senate Bill No. 6417.

With the exception of section 315, Substitute Senate Bill No. 6417 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 27, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6533 entitled:
"AN ACT Relating to school suspension."

The bill restates existing statutory authority permitting a school district to reduce the length of a student's suspension upon condition that the student begin counseling or other treatment. The bill also specifically releases the district from any financial responsibility for such counseling or treatment.

School districts have not been found to be financially obligated for these expenses.

School districts sponsor many programs of voluntary participation by students contingent upon some financial or other student commitment. The bill's release of districts from financial obligation in the instance of counseling or treatment related to the length of a suspension raises an inference that the districts may be financially obligated in other instances where not specifically released.

In order to avoid unintended consequences from a well-intended bill, I have vetoed Senate Bill No. 6533 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

March 26, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Senate Bill No. 6574 entitled:

"AN ACT Relating to the Washington state housing finance commission."

The bill allows the Housing Finance Commission to issue bonds to finance nursing home construction and renovation. The bill expands the purposes of bonding authority to include financing of capital facilities owned and operated by non-profit corporations. The bill also is intended to give, with limited exceptions, the Housing Finance Commission exclusive authority to issue bonds for these purposes.

Section 2(6) of the bill recognizes and preserves existing statutory authority for local housing authorities to establish non-profit corporations for the purpose of issuing bonds for the construction of low-income housing. While the remainder of the bill expands the purposes of bonding authority, section 9, unlike section 2(6), fails to preserve existing local housing finance programs by failing to except them from the purposes for which the Housing Finance Commission is established as the "sole issuer of revenue bonds."

Neither the bill nor its legislative history provides information to reconcile the apparent conflict between section 2(6) and section 9.

In order to preserve the financing programs of local housing programs and to correct any inconsistency between section 2(6) and section 9, I have vetoed section 9 of this bill.

With the exception of section 9, Senate Bill No. 6574 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 28, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 48, 55, 76, and 87, Substitute Senate Bill No. 6663 entitled:

"AN ACT Relating to Special License Plates and technical revisions to the department of licensing statutes."

Section 55 duplicates an amendment in Senate Bill No. 6190 and section 76 duplicates an amendment in Senate Bill No. 6358. To avoid these duplications, I have vetoed these two sections.

Section 48 allows those who refuse the alcohol breath test to obtain an occupational driver's license. An occupational driver's license is granted to a person who provides proof of requiring driving privileges for employment reasons. Section 87 requires rescission of the revocation, for failure to take the breath test, of a person's driving privilege if that person is found not guilty of the underlying offense and the person's impaired driving was caused by a medical condition. These two sections serve to erode the implied consent law. That law is the state's most effective tool to combat drunken driving.

Nearly 800 people die on Washington's roadways each year. Nearly half of those deaths are alcohol related. I have indicated a strong commitment to a policy of no tolerance and strict deterrence. I remain convinced that the public message of no tolerance for drunken driving, with swift and sure consequences, is an effective deterrent.

Although the Legislature declined to take the issue of drivers' license revocation out of the criminal process, now is not the time to erode tough sanctions against drunken drivers. Instead, I challenge the Legislature to join me in the endeavor to save lives in the upcoming years and improve safety on Washington roads by promoting tougher laws against drunken drivers.

For these reasons, I have vetoed sections 48, 55, 76, and 87 of Substitute Senate Bill No. 6663.

With the exception of sections 48, 55, 76, and 87, Substitute Senate Bill No. 6663 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 28, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6664 entitled:

"AN ACT Relating to the business license center act."

Section 4 repeals the provisions which established the Business License Center and added licenses to the Master License System. Although technically these provisions are no longer applicable since the time frames and requirements have been met, they provide useful historical information regarding the program. It is normal practice to retain such historical information in statute to minimize confusion regarding programs. I have, therefore, vetoed section 4 of this bill.

With the exception of section 4, Substitute Senate Bill No. 6664 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 21, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute Senate Bill No. 6698, entitled:

"AN ACT Relating to limitations on the use of solid fuel burning devices."

Section 1 of this bill makes reference to Substitute House Bill No. 2277, which would have set up a joint select task force on clean air. Substitute House Bill No. 2277 did not pass the Legislature. Section 1 of Substitute Senate Bill No. 6698 charges the task force with reviewing implementation of this bill. Since the task force does not exist, I have vetoed section 1.

With the exception of section 1, Substitute Senate Bill No. 6698 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 27, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6729 entitled:

"AN ACT Relating to DNA Identification."

This bill specifically authorizes and directs the Washington State Patrol to adopt rules for RCW 43.43.752 through RCW 43.43.758, the statutes establishing the DNA Identification Program.

Section 4 of the bill does not specifically address the DNA Identification Program, but rather the general role and authority of the Department of Corrections and county jail administrators to conduct blood sampling. As constructed, section 4 would not be codified within the statutes for which the bill establishes rule-making authority. As a result, the rule-making authority established by the bill will not be effective to implement section 4.

I believe section 3 of the bill provides sufficient authority to implement the regulations necessary to carry out the intent of this bill.

For these reasons, I have vetoed section 4 of the bill.

With the exception of section 4, Substitute Senate Bill No. 6729 is approved.

Respectfully submitted,
Booth Gardner, Governor

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fifty-First Legislature
1990 Regular Session
1990 First Special Session
1990 Second Special Session

| Senate No. | Relating to: | Chapter No. | Effective Date |
|------------|-------------------------------------|-------------|----------------|
| S 5013 | 2d cl sch dists/at-large dir | 161 | 6/7/90 |
| | DSHS revenue collection | 100 | 6/7/90 |
| S 5206 | Econ/rev forecast council | 229 | 7/1/90 |
| S 5300 | Women/apprenticeship statute | 72 | 6/7/90 |
| S 5340 | Escrow agents deposits | 203 | 6/7/90 |
| | 5371 Excellence awd/teacher prep | 10 E1 PV | 7/1/90 |
| | 5431 Leasehold tax exemptions | 131 | 6/7/90 |
| S 5450 | Pacific Rim languages educatn | 243 | 6/7/90 |
| | 5487 Real estate licensees dsclsr | 85 | 6/7/90 |
| S 5545 | Vocational ed/state board | 188 | 6/7/90 |
| | Sections 1-4.11 | | 3/26/90 |
| 3S 5550 | Low income housing valuation | 168 | 12/90* |
| | *Pending voter approval of SJR 8212 | | |
| S 5554 | RR track scales testing | 27 | 6/7/90 |
| | 5593 Vehicle lgth/federal law | 28 | 6/7/90 |
| S 5594 | Prescriptns filled/other sts | 219 | 3/27/90 |
| | 5712 Environmental hearings office | 65 | 6/7/90 |
| 2S 5835 | Energy information/sch use | 301 PV | 6/7/90 |
| 2S 5845 | Steelhead trout production | 110 | 6/7/90 |
| 2S 5882 | Reckless driving penalties | 291 PV | 6/7/90 |
| S 5935 | Capitol campus design cmtee | 93 | 6/7/90 |
| 2S 5993 | Hanford land transfer | 281 | 6/7/90 |
| 2S 5996 | Waste management ed study | 158 | 6/7/90 |
| S 6031 | Voter registration | 143 | 6/7/90 |
| | Sections 1-8 | | 1/1/92 |
| | 6091 Budget stabilization account | 7 E1 | 4/5/90 |
| | 6114 Corrections | Vetoed | |
| | 6164 Food transportation | 202 | 6/7/90 |
| S 6167 | MV brokering/subleasing | 44 | 6/7/90 |
| | 6172 Envirnmntl coord procedures | 137 | 6/7/90 |
| | 6180 Basic health plan records | 54 | 6/7/90 |
| S 6182 | Fire prot district charges | 294 | 3/29/90 |
| | 6189 Boundary review boards | 273 | 3/29/90 |
| S 6190 | Head injury prevention | 270 PV | 6/7/90 |
| S 6191 | Wash st trauma care systm | 269 | 3/29/90 |
| | 6192 Generic drug substitutions | 218 | 3/27/90 |
| S 6195 | Animal training | 226 | 6/7/90 |
| | 6200 Task force on ports report | 4 | 6/7/90 |
| | 6201 Health studio services | 55 | 6/7/90 |
| | 6210 Radiologic techs/sunset | 6 | 6/7/90 |
| | 6213 DSHM employees reimbrsmnt | 153 | 6/7/90 |
| 2S 6216 | Commnty clge faculty awards | 29 | 6/7/90 |
| S 6221 | High school assessment prgrm | 101 | 6/7/90 |

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

| Senate No. | Relating to: | Chapter No. | Effective Date |
|------------|---|-------------|----------------|
| | 6224 Basic ed moneys withholding | 103 | 6/7/90 |
| | 6253 Private property/taking | | Vetoed |
| S | 6255 Bus drivers assault/penalty | 236 | 6/7/90 |
| 2S | 6259 Criminal offender provisions *With exceptions | 3 PV | 6/7/90* |
| | 6267 Occupational therapy regultn | 13 | 6/7/90 |
| S | 6289 Director of agric/admin div | 37 | 6/7/90 |
| S | 6290 Telecommunications devices | 89 | 3/19/90 |
| | 6292 Mosquito control responsibil | 300 PV | 3/30/90 |
| | 6303 Pedestrian safety | 241 | 6/7/90 |
| | 6304 Sick leave records | 162 | 6/7/90 |
| S | 6305 Tuition exemptions | 154 | 6/7/90 |
| S | 6306 Community college tenure | 268 PV | 6/7/90 |
| 2S | 6310 Fishery enhncmnt grp funds | 58 | 6/7/90 |
| S | 6326 Puget Sound water qilty prgrm | 289 | 6/7/90 |
| | 6327 WSP/civil service exemptions | 14 | 6/7/90 |
| S | 6330 Consumer protection | 199 | 6/7/90 |
| | 6335 Negligent oprtn/cmmcl vhcle | 31 | 6/7/90 |
| | 6344 Regional support networks | 8 E1 | 7/1/90 |
| S | 6348 Nonpneumatic spare tires | 105 | 6/7/90 |
| | 6354 Apple grades/hearings | 19 | 6/7/90 |
| S | 6358 Transportation tax rates | 42 | 6/7/90 |
| | Sections 101-104,115-117 | | 4/1/90 |
| | Sections 201-214,405-411 | | 4/1/90 |
| | Section 503 | | 4/1/90 |
| | Sections 105-114,301-303 | | 9/1/90 |
| | Sections 305-328,401-404 | | 9/1/90 |
| | Section 304 | | 7/1/91 |
| | 6370 City name changes | 193 | 6/7/90 |
| S | 6377 Fisheries violatns penalties | 144 | 6/7/90 |
| | 6388 Insurance cancellation | 121 | 6/7/90 |
| S | 6389 Business corporation act | 178 | 7/1/90 |
| S | 6390 Marital deduct/domestic trst | 179 | 3/26/90 |
| | 6391 Revenue code corrections | 224 | 6/7/90 |
| | 6392 Wills/requisites | 79 | 6/7/90 |
| S | 6393 Retirement benefits/executn | 237 | 3/28/90 |
| | 6394 Escheat prop/small estate | 225 | 6/7/90 |
| S | 6395 Inheritance tax references | 180 | 6/7/90 |
| | 6396 Deed of trust act | 111 | 6/7/90 |
| | 6399 Support enforcement/employer | 165 PV | 6/7/90 |
| S | 6407 Supplmntl operating budget | 16 E1 PV | 4/23/90 |
| | 6408 Suplmntl transportatn budget | 298 PV | 3/30/90 |
| | 6411 Employment training program | 272 | 3/29/90 |
| S | 6412 Wildlife cnsvrtn land acquis | 14 E1 | 7/1/90 |
| S | 6417 Supp capital budget | 299 PV | 3/30/90 |
| 2S | 6418 Rural health care | 271 | 3/29/90 |
| S | 6426 SR 901 scenic highway | 240 | 6/7/90 |
| S | 6446 Public water systems | 132 | 3/21/90 |
| S | 6447 Failing public water systems | 133 | 3/21/90 |
| | 6451 Cigarette tax modified | 216 | 3/27/90 |
| S | 6452 School dist leave sharing | 23 | 3/13/90 |
| S | 6453 Ag lenders/examination | 134 | 3/21/90 |
| S | 6463 Services and activities fees | 7 | 6/7/90 |

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

| Senate No. | Relating to: | Chapter No. | Effective Date | |
|------------|--------------|-------------------------------|----------------|---------|
| | 6464 | Law enforcmt/driver licnse | 56 | 6/7/90 |
| S | 6467 | Second degree arson/murder | 200 | 6/7/90 |
| | 6470 | Construction liens | 81 | 6/7/90 |
| S | 6473 | Correctionnl industries sales | 22 | 6/7/90 |
| S | 6474 | Public corporations | 189 | 6/7/90 |
| S | 6493 | Adoption/confdntnl intrmdries | 145 | 6/7/90 |
| S | 6494 | Adoption provisions | 146 | 6/7/90 |
| S | 6499 | Dispute resolution centers | 172 | 7/1/90 |
| | 6510 | Telecommunications/rgstratn | 10 | 6/7/90 |
| | 6514 | L&I/attorneys fees before | 15 | 6/7/90 |
| | 6520 | Nonionizing radiation | 173 | 6/7/90 |
| | 6528 | Vessel pilots' licenses | 112 | 6/7/90 |
| S | 6531 | Port dist road improvemnts | 5 | 6/7/90 |
| | 6533 | School suspension | | Vetoed |
| | 6535 | Private activity bonds | 50 | 6/7/90 |
| 2S | 6537 | Foster care reform | 284 | 7/1/90 |
| | 6549 | PUD employee compensation | 16 | 6/7/90 |
| | 6558 | Driving exam waiver | 9 | 6/7/90 |
| | 6559 | Winter recreational facil | 136 | 6/7/90 |
| S | 6560 | Odometer disclosure | 238 | 5/1/90 |
| | 6562 | Superior court positions | 186 | 6/7/90 |
| | 6564 | Cmmrc'l fishers fund pooling | 130 | 6/7/90 |
| | 6571 | Interpreters/legal proceedng | 183 | 6/7/90 |
| S | 6572 | Telecommunications fraud | 11 | 6/7/90 |
| S | 6573 | Energy facility council | 12 | 7/1/90 |
| | 6574 | Housing finance commission | 167 | PV |
| S | 6575 | Nuclear operations liability | 82 | 6/7/90 |
| | 6576 | Wild mushroom harvesting | 20 | 6/7/90 |
| | 6577 | Recycling markets committee | 127 | 6/7/90 |
| | 6583 | Air polltn control authorit | 157 | 6/7/90 |
| | 6588 | Live performance/moral nsnce | 152 | 6/7/90 |
| S | 6589 | Title insurers | 76 | 6/7/90 |
| S | 6594 | Retirement sys department | 8 | 6/7/90 |
| S | 6600 | Retirement contribution rate | 18 | 9/1/91 |
| | 6606 | MV window tinting | 95 | 6/7/90 |
| S | 6608 | Traffic violations enforcmnt | 210 | 6/7/90 |
| 2S | 6610 | At-risk youth | 276 | 6/7/90 |
| S | 6624 | Family independence program | 6 | E1 |
| S | 6626 | Placebound students assmnt | 288 | 6/7/90 |
| S | 6639 | Conservatn area acquisition | 5 | E1 |
| | 6640 | Tourism strategies/hotel tax | 17 | 6/7/90 |
| S | 6642 | Washington marketplace prgrm | 57 | 6/7/90 |
| S | 6649 | Adopt-a-highway signs | 258 | 6/7/90 |
| | 6652 | Cigarette tax penalties | 267 | 1/1/91 |
| S | 6663 | Special license plates | 250 | PV |
| | | Section 11 | | 7/1/90 |
| | | Sections 1-10.12-15.17 | | 1/1/91 |
| S | 6664 | Business license center | 264 | PV |
| S | 6668 | Crime victims' compensation | 73 | 10/1/90 |
| | 6673 | State-owned vehicles | 75 | 6/7/90 |
| S | 6681 | School property leases | 96 | 6/7/90 |
| S | 6697 | Longview bridge study | 87 | 6/7/90 |
| S | 6698 | Solid fuel burn/device fee | 128 | PV |

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

| Senate No. | Relating to: | Chapter No. | Effective Date |
|------------|---|-------------|----------------|
| S 6700 | Recycling/trucking regs | 123 | 3/21/90 |
| S 6701 | Maritime commission | 117 | 7/1/90 |
| | Section 3.(10),(12),(13),(15) except as otherwise provided | | 7/1/91 |
| S 6726 | Firearm range facilities | 195 | 6/7/90 |
| | 6727 State-owned shellfish sales | 163 | 6/7/90 |
| S 6729 | DNA identification | 230 PV | 3/27/90 |
| 2S 6731 | Absentee ballots/abstracts | 262 | 6/7/90 |
| | 6741 Shoreline developmnt permits | 201 | 6/7/90 |
| S 6764 | Community support programs | 290 | 6/7/90 |
| S 6771 | Electric transmission lines | 138 | 6/7/90 |
| S 6776 | Condominium act revisions | 166 | 7/1/90 |
| | 6777 SR 706/Road to Paradise | 97 | 6/7/90 |
| 2S 6780 | Farmworker housing inspectn | 253 | 6/7/90 |
| | 6802 Util rate/low-income disabld | 164 | 6/7/90 |
| | 6816 Milk pumping tax exemption | 185 | 6/7/90 |
| | 6822 B&O tax/small timber harvstr | 141 | 6/7/90 |
| S 6827 | State-wide 911 service | 260 | 6/7/90 |
| 2S 6832 | Juvenile rehab system study | 292 | 6/7/90 |
| | 6834 Small bsns basic health plan | 187 | 6/7/90 |
| | 6839 Kettle River protection | 277 | 6/7/90 |
| S 6859 | Computer software/tax status | 255 | 3/28/90 |
| | 6862 Wash hardwoods commission | 142 | 3/22/90 |
| | 6866 Grass seed research fees | 113 | 6/7/90 |
| S 6868 | Guardianship/incapacitated | 122 | 7/1/91 |
| S 6880 | Business/residential locatns | 256 | 6/7/90 |
| | 6897 DOT headquarters facility | 293 | 3/29/90 |
| | 6906 C 3 L 90 adjustments | 12 E1 | 7/1/90 |
| | 6913 Criminal justice financing | 1 E2 | 6/6/90 |
| | Sections 101-106 | | 7/1/90 |
| | Sections 701.801 | | 9/1/90 |
| | Section 1103 | | 6/7/90 |
| | Sections 501-525 | | 1/1/91* |
| | *Pending voter approval | | |

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**

Fifty-First Legislature

1990 Regular Session
1990 First Special Session
1990 Second Special Session

No. Subject:

SENATE JOINT MEMORIALS

| | |
|------|--------------------------------|
| 8003 | RR holding tanks/dumping |
| 8017 | Columbia river/200 anniversary |
| 8018 | Pension taxation |
| 8019 | Plutonium-238/Hanford |
| 8020 | MIA/POW disclosures |
| 8023 | Forest lands |
| 8025 | Earthquake project support |

SENATE JOINT RESOLUTIONS

| | |
|---------|------------------------------|
| 2S 8212 | Low income housing valuation |
|---------|------------------------------|

SENATE CONCURRENT RESOLUTIONS

| | |
|--------|------------------------------|
| S 8429 | State adoption commission |
| 8437 | High speed transportation |
| 8440 | Leadership conference |
| 8444 | Trust land disabilities |
| 8446 | Poverty issues interim study |
| 8448 | Consider ESSB 6412 spec sess |
| 8449 | HCR 4442 amended |

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fifty-First Legislature
1990 Regular Session
1990 First Special Session
1990 Second Special Session

| House No. | Relating to: | Chapter No. | Effective Date |
|-----------|------------------------------|-------------|----------------|
| | 1055 | 45 | 3/14/90 |
| S | 1264 | 99 | 6/7/90 |
| | 1307 | 283 | 6/7/90 |
| | 1323 | 192 | 3/26/90 |
| S | 1394 | 39 | 6/7/90 |
| S | 1450 | 102 | 7/1/90 |
| | 1491 | 156 PV | 6/7/90 |
| | 1523 | 46 | 6/7/90 |
| S | 1565 | 175 | 6/7/90 |
| | 1571 | 40 | 6/7/90 |
| S | 1597 | 223 | 6/7/90 |
| 2S | 1653 | 211 | 6/7/90 |
| | Sections 1-5 | | 7/1/90 |
| | 1703 | 30 | 6/7/90 |
| | 1724 | 233 | 6/7/90 |
| S | 1824 | 88 | 6/7/90 |
| S | 1825 | 43 PV | 3/14/90 |
| | 1881 | 38 | 6/7/90 |
| | 1890 | 126 | 6/7/90 |
| | 1957 | 78 | 6/7/90 |
| | 2032 | 32 | 6/7/90 |
| 2S | 2077 | 280 | 6/7/90 |
| 2S | 2122 | 246 | 6/7/90 |
| S | 2198 | 2 | |
| | Sections 1-4, 6, 7, 9 and 10 | | 3/1/90 |
| | Sections 11 and 12 | | 1/1/91 |
| | Section 8 | | 7/1/91 |
| S | 2230 | 11 E1 | 4/13/90 |
| | 2253 | 149 | 6/7/90 |
| | 2260 | 104 | 6/7/90 |
| | 2262 | 41 | 6/7/90 |
| | 2265 | 77 | 6/7/90 |
| | 2272 | 169 | 6/7/90 |
| | 2276 | 33 | 6/7/90 |
| | 2288 | 129 | 3/21/90 |
| | 2289 | 71 | 6/7/90 |
| | 2290 | 63 | 6/7/90 |
| | 2291 | 61 | 3/15/90 |
| | 2292 | 34 | 6/7/90 |
| S | 2293 | 35 | 3/13/90 |
| | 2294 | 36 | 6/7/90 |
| S | 2296 | 124 | 7/1/90 |
| | 2299 | 221 | 6/7/90 |

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

| House No. | Relating to: | Chapter No. | Effective Date | |
|-----------|--------------|-------------------------------|----------------|---------|
| | 2306 | Juror summoning | 140 | 6/7/90 |
| | 2310 | Land lease/state | 47 | 6/7/90 |
| | 2312 | Public funds investment acct | 106 | 6/7/90 |
| S | 2327 | Sunset review provisions | 297 | 6/7/90 |
| | 2330 | Taxing district levy rates | 234 | 6/7/90 |
| | 2331 | Teacher/abuse course requir | 90 | 6/7/90 |
| | 2335 | Cemeteries/preservation | 92 | 6/7/90 |
| S | 2336 | Controlled subst/penalties | 244 | 6/7/90 |
| S | 2337 | Collective bargaining sessns | 98 | 6/7/90 |
| S | 2342 | Fire sprinkler contractors | 177 PV | 6/7/90 |
| | | Sections 2-8 and 10 | | 5/1/91 |
| | 2343 | Tax information/secretcy | 67 | 6/7/90 |
| S | 2344 | Tax/electronic transf pymts | 69 | 1/1/91 |
| | 2345 | Enhanced food fish tax | 214 | 6/7/90 |
| S | 2361 | Grays Harbor dredging | 1 | 1/26/90 |
| | 2362 | Higher ed/ind ins programs | 204 | 6/7/90 |
| | | Section 2 | | 7/1/90 |
| | 2373 | Bond information revised | 220 | 6/7/90 |
| S | 2375 | All kids can learn/grants | 148 | 6/7/90 |
| S | 2378 | Ed service district boards | 159 | 6/7/90 |
| 2S | 2379 | Student enrollment options | 9 E1 PV | 4/11/90 |
| S | 2385 | Alcohol/drug treatment laws | 151 | 3/23/90 |
| | 2386 | Permit fees/temporary | 198 | 6/7/90 |
| S | 2390 | Hazardous substances/regs | 114 | 3/21/90 |
| | 2395 | AIDS nursing homes | 207 | 3/27/90 |
| S | 2403 | Video telecommunications | 208 PV | 3/27/90 |
| | 2410 | Hospice benefits extension | 25 | 3/13/90 |
| | 2411 | Health care authority | 222 PV | 6/7/90 |
| | 2413 | Math achievement program | 286 | 6/7/90 |
| S | 2416 | Multiple insurance statutes | 3 E1 | 7/1/90 |
| S | 2421 | Jet ski safety | 231 | 7/1/90 |
| S | 2426 | Employr contrib/unemploy comp | 245 | 6/7/90 |
| | | Section 1 | | 3/28/90 |
| | | Sections 2, 3 and 6-9 | | 7/1/90 |
| | 2429 | Law enforcemnt vessels/elude | 235 | 6/7/90 |
| S | 2430 | Motor vehicle warranties | 239 | 6/7/90 |
| | | Sections 2-10 | | 1/1/91 |
| | 2438 | State library employees | 68 | 6/7/90 |
| | 2441 | Disabled students task force | 86 | 3/19/90 |
| 2S | 2443 | Magnuson biomedical institute | 282 PV | 6/7/90 |
| | 2445 | Mobile parks/renil agreemnt | 174 | 6/7/90 |
| S | 2457 | Employment listing services | 70 | 6/7/90 |
| | 2461 | Emergncy vehicle eqpmt sales | 94 | 6/7/90 |
| S | 2463 | Vehicle registration records | 232 | 6/7/90 |
| | 2469 | Limited medical licenses/UW | 160 | 6/7/90 |
| | 2473 | Irrigatn dists/land subdivsn | 194 | 6/7/90 |
| | 2475 | Convention/trade facilities | 242 | 6/7/90 |
| S | 2476 | Indebtedness/allocating | 205 | 6/7/90 |
| S | 2482 | Puget Snd water quality auth | 115 | 6/7/90 |
| | 2485 | Industrial ins self-insurer | 209 | 6/7/90 |
| | | Section 1 | | 1/1/91 |
| | 2492 | Pro tempore judges | 182 | 6/7/90 |
| 2S | 2494 | Oil/hazardous substnce spill | 116 | 6/7/90 |

PV - Partial Veto: E1 - 1st Special Sess.; E2 - 2nd Special Sess.

| House No. | Relating to: | Chapter No. | Effective Date |
|-----------|--------------------------------------|-------------|----------------|
| | 2503 Pension funds investment | 80 | 3/15/90 |
| S | 2513 Roadside litter/illegal dump | 66 | 6/7/90 |
| S | 2524 Board of pharmacy/continue | 83 | 6/7/90 |
| | 2525 Radio communications service | 118 | 6/7/90 |
| | 2526 Telecommunication companies | 247 PV | 6/7/90 |
| | 2527 Regulatory fees/payment | 48 | 6/7/90 |
| | 2542 Drug vehicle forfeiture | 248 | 6/7/90 |
| | 2546 Telephone assistance program | 170 | 6/7/90 |
| | 2555 Animal remedy act/repeal | 197 | 6/7/90 |
| | 2561 Replevin provisions | 227 | 6/7/90 |
| | 2562 Hospital commission/repeal | 52 | 6/7/90 |
| | 2567 State employment provisions | 60 | 6/7/90 |
| S | 2576 Dept of wildlife statutes | 84 | 6/7/90 |
| S | 2584 PUD job value limits | 251 | 6/7/90 |
| S | 2587 Port dists/road improvement | Vetoed | |
| | 2602 Adoption support services | 285 PV | 6/7/90 |
| S | 2603 Medical care/children | 296 PV | 7/1/90 |
| S | 2609 Pollution liability insurance | 64 | 3/15/90 |
| | 2633 Uniform commercial code | 228 | 6/7/90 |
| S | 2643 Survivorship option/retirmt | 249 | 6/7/90 |
| S | 2644 Retirement systems provisns | 274 | 6/7/90 |
| | Sections 1-8 | | 9/1/90 |
| | 2655 Lobbyists/reporting | 139 | 6/7/90 |
| | 2667 Low-income enrgy/jt sel cmte | 1 E1 | 3/26/90 |
| | 2694 Studnt transp sfty task frce | 4 E1 | 3/26/90 |
| | 2705 Winter recreatn/state parks | 49 | 6/7/90 |
| | Section 3 | | 3/14/90 |
| S | 2706 Defense-dependent industries | 278 PV | 6/7/90 |
| S | 2708 PUD sewer inspections | 107 | 6/7/90 |
| S | 2709 District court judges | 257 PV | 3/28/90 |
| | 2714 Execution dates | 263 | 6/7/90 |
| | 2716 Truck overloader/codefendant | 217 | 6/7/90 |
| S | 2726 Port district debt funding | 254 | 3/28/90 |
| | 2746 Crime of enticement | Vetoed | |
| S | 2752 Minor/sexually explct condct | 155 | 7/1/90 |
| | 2753 State route 128/rerouting | 108 | 6/7/90 |
| | 2761 School directors association | Vetoed | |
| | 2775 Voting machines/ballots | 184 | 6/7/90 |
| S | 2792 Podiatric physicians/surgeon | 147 PV | 6/7/90 |
| | 2797 Candidacy/ballots/voting | 59 PV | 6/7/90 |
| | Sections 1-6, 8-72, 74-96 and 98-112 | | 7/1/92 |
| S | 2801 Collection agencies | 190 | 6/7/90 |
| | 2802 GA dept/transportn managment | 206 | 6/7/90 |
| | 2808 Court commissioners | 191 | 6/7/90 |
| S | 2809 Child abuse victim testimony | 150 | 3/23/90 |
| S | 2831 American Indian scholarship | 287 PV | 6/7/90 |
| | 2832 Horticulturl plnts/facilites | 261 | 6/7/90 |
| | 2840 County road admin board | 266 | 6/7/90 |
| | 2842 Disabled/parking permits | 24 | 6/7/90 |
| | 2850 Economic dev finance authrty | 53 | 6/7/90 |
| S | 2854 Solid waste systems/contract | 279 | 3/29/90 |
| | 2855 Municipal airports/lessees | 215 | 6/7/90 |
| S | 2858 Liquor importers/entertainmt | 125 | 6/7/90 |

| House No. | Relating to: | Chapter No. | Effective Date | |
|-----------|--------------|-------------------------------|----------------|---------|
| | 2859 | County legislative authority | 252 | 1/1/93 |
| S | 2861 | Manufactured housing regs | 176 PV | 6/7/90 |
| | 2868 | Sea urchin endorsements | 62 | 3/15/90 |
| | 2882 | DOT/emergency contracts | 265 | 6/7/90 |
| | 2888 | Child support schedule | 2 E1 PV | 7/1/90 |
| | | Sections 5 and 22 | | 3/26/90 |
| | 2901 | Life ins guaranty associatn | 51 | 3/14/90 |
| S | 2906 | Contaminated proprty cleanup | 213 | 4/23/90 |
| | | Sections 2 and 12 | | 3/27/90 |
| S | 2907 | Mobile home relocation | 171 | 6/7/90 |
| | | Sections 6-8 | | 7/1/90 |
| | 2911 | Schools/contract exemptions | Vetoed | |
| S | 2917 | Physician assistants | 196 | 6/7/90 |
| S | 2929 | Growth planning provisions | 17 E1 PV | 7/1/90 |
| S | 2932 | Water resource planning | 295 | 3/29/90 |
| S | 2933 | Self ins pools/local govt | 26 | 6/7/90 |
| S | 2935 | Elections/local government | 259 | 6/7/90 |
| | 2939 | Correctional instlit/populatn | 302 PV | 6/7/90 |
| S | 2940 | Vehicle dealer service fees | Vetoed | |
| | 2942 | Fisheries enhancemnt reports | 91 PV | 6/7/90 |
| S | 2956 | Low-level radioactive waste | 21 | 3/13/90 |
| | 2959 | School districts/health ins | 74 | 6/7/90 |
| S | 2964 | Capital facilities bonds | 15 E1 | 4/23/90 |
| 2S | 2986 | Alcohol/contrld substn abuse | 275 PV | 6/7/90 |
| | 2988 | Low incme housng/conv centr | 181 | 6/7/90 |
| | 2989 | Freight brokers registration | 109 | 3/19/90 |
| S | 2999 | Community college/compensatn | 135 | 3/21/90 |
| S | 3001 | HMO's/solvency protection | 119 | 6/7/90 |
| S | 3002 | Health care cntrctrs/solvncy | 120 | 6/7/90 |
| S | 3007 | Employee pension plans | 212 | 6/7/90 |
| S | 3035 | Jail facilities/Yakima Cnty | 13 E1 | 7/1/90 |

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Fifty-First Legislature
1990 Regular Session
1990 First Special Session
1990 Second Special Session

No. Subject:

HOUSE JOINT MEMORIALS

4030 Sam Guess memorial bridge
4037 American legis exchge/1991

HOUSE JOINT RESOLUTIONS

4203 County boundary changes
4231 Property tax levies/six year

HOUSE CONCURRENT RESOLUTIONS

4426 Joint session/state of state
4427 Reintroduction/1989 measures
4428 Cutoff dates established
4432 Legislative Old Tmrs reunion
4434 Joint session/medal of merit
4437 Cut-off date extended
4438 Cut-off exemptions
4441 Adjourn SINE DIE
4442 Bills/special session
4443 Health care cost control cmsn
4445 Allow consideratn of HB 3035
4446 Allow consideratn of SB 6344
4447 Adjourn SINE DIE
4448 Adjourn SINE DIE

HISTORY OF SENATE BILLS

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|----------------------|-------------------|
| 5001.(Sub) | | | | | 37 | |
| 5002.(2nd Sub) | | | | | 37 | |
| 5004.(Sub) | | | | | 37 | |
| 5006. | | | | | 38 | |
| 5007 | | 114,310 | | | 68 | |
| 5007.(2nd Sub) | | | 391 | 391 | 1681 | |
| 5013.(Sub) | | | | 386 | 1376 1451,1548 | 1821 C161 |
| 5020.(Sub) | | | 449,452 | 453 | 449 473 FAILED | |
| 5021.(Sub) | | | | | 37 | |
| 5059. | | | | 107 | 1681 | |
| 5064. | | | | 108 | 1681 | |
| 5070.(Sub) | | | | 230 | 1681 | |
| 5072. | | | | 386 | 1681 | |
| 5076. | | | | | 38 | |
| 5083. | 310 | | | | | |
| 5087.(Sub) | | | | 108 | 1681 | |
| 5094. | | | | | 37 | |
| 5104. | | 210 | | | 68 | |
| 5104.(2nd Sub) | | | 392 | 392 | 1681 | |
| 5106.(Sub) | | | | | 37 | |
| 5120. | | | | | 68 | |
| 5124. | | | | | 38 | |
| 5131.(Sub) | | | | 108 | 1681 | |
| 5132.(Sub) | | | | 387 | 1681 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 5133. | | | | 109 | 1681 | |
| 5135.(Sub) | | | | 387 | 1681 | |
| 5136. | | | | 109 | 1681 | |
| 5145.(2nd Sub) | | | | | 37 | |
| 5146.(Sub) | | | | 229 | 1681 | |
| 5148.(Sub) | | 114 | | | 37 | |
| 5149.(Sub) | | | | | 37 | |
| 5169. | | | | 110.143 | 110.1376 1451.1548 | 1808 C100 |
| 5175.(Sub) | | | | | 37 | |
| 5176. | | | | | 37 | |
| 5177.(2nd Sub) | | | | | 37 | |
| 5178.(Sub) | | | | | 37 | |
| 5179.(Sub) | | | | | 37 | |
| 5180. | | | | | 38 | |
| 5181.(Sub) | | | | | 37 | |
| 5182.(2nd Sub) | | | | | 37 | |
| 5187. | | | | | 38 | |
| 5203.(2nd Sub) | | 166 | | | 37 | |
| 5204. | | | | | 37 | |
| 5203.(3rd Sub) | | | 392 | 392 | 1681 | |
| 5206.(Sub) | | | 205 | 205 | 1255 1256.1440 | 1826 C229 |
| 5209. | | | | | 37 | |
| 5226. | | 210 | | | 110 | |
| 5227.(Sub) | | | | 110 | 1681 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------------------------|-------------------|
| 5232. | | | | | | 37 |
| 5240. | | | | | | 68 |
| 5244. | | | | | | 38 |
| 5268.(2nd Sub) | | | | | | 37 |
| 5278. | | | | | | 40 |
| 5284. | | | | | | 37 |
| 5285.(Sub) | | | | 111 | 1681 | |
| 5290.(Sub) | | | 390 | 390 | 1681 | |
| 5299.(Sub) | | | | 111 | 1681 | |
| 5300. | | 178 | | | 38 | |
| 5300.(Sub) | | | 287 | 288 | 1385 1451,1548 | 1803 C72 |
| 5302. | | | | | 38 | |
| 5307.(Sub) | | 210 | | | 37 | |
| 5307.(2nd Sub) | | | 469 | 469 | 1681 | |
| 5319.(Sub) | | | | | 37 | |
| 5320. | | | | | 40 | |
| 5321. | | | | | 40 | |
| 5326. | | | | | 664 | |
| 5328. | | 65 | | | 37 | |
| 5328.(Sub) | | | 231 | 231 | 1681 | |
| 5339.(2nd Sub) | | | | | 37 | |
| 5340. | | 245 | | | | |
| 5340.(Sub) | | | 288 | 288 | 1292,1435 1502,1602 1673,1676 | 1826 C203 |
| 5349. | | | | | 38 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|--|-----------------------------|
| 5352.(Sub) | | | | | 36 | |
| 5354. | | | | 112 | 1681 | |
| 5365. | | 263 | | | 68 | |
| 5366.(Sub) | | | | 294 | 1681 | |
| 5371. | | | 258,1880 | 1880,1882 | 1880,1886 1887,1888 2031,2035 | 2106 2031 PV C10E1 |
| 5373.(Sub) | | | | | 36 | |
| 5379.(Sub) | | | | 233 | 1681 | |
| 5383.(Sub) | | | | | 37 | |
| 5385.(Sub) | | | | | 38 | |
| 5404. | | 114 | | | | |
| 5386.(Sub) | | | | | 38 | |
| 5411. | | | | | 38 | |
| 5420.(Sub) | | | | | 38 | |
| 5424. | | | 281 | 282 | 1681 | |
| 5431. | | | | 252 | 1094 1145,1439 | 1809 C131 |
| 5435.(Sub) | | | | | 38 | |
| 5437. | | | | | 38 | |
| 5450.(Sub) | | | 254 | 254,255 | 1371,1477 1573,1597 1610,1641 1675,1676 | 1831 C243 |
| 5451. | | | | 363 | 1681 | |
| 5455. | | | | | 40 | |
| 5463. | | 310 | | | 664 | |
| 5478. | | | | 112 | 1681 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend-ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|-------------------|------------------|----------------------|------------------------|--|----------------|
| 5479.(Sub) | | | | 130 | 1681 | |
| 5484. | | | | 253 | 1681 | |
| 5487. | | 234 | 288 | 288 | 38,208 219,1257 1371,1439 | 1804 C85 |
| 5489. | | | | | 38 | |
| 5491.(Sub) | | | | | 38 | |
| 5503.(Sub) | | | | 281 | 1681 | |
| 5516.(Sub) | | | | 65 | 38 | |
| 5516.(2nd Sub) | | | 205 | 206 | 1373 1630,1681 | |
| 5518. | | | | | 38 | |
| 5519. | | | | | 38 | |
| 5521.(Sub) | | | | | 36 | |
| 5522.(Sub) | | | 254 | 253,254 | 1681 | |
| 5533.(Sub) | | | | 257 | 1681 | |
| 5537. | | | | | 38 | |
| 5538. | | | | | 38 | |
| 5542.(Sub) | | | | | 38 | |
| 5544. | | | | | 68 | |
| 5545. | | 210 | | | 244 | |
| 5545.(Sub) | | | 508 | 509 | 1311 1319,1336 1432,1433 1471,1659 1675,1676 | 1823 C188 |
| 5547.(Sub) | | 210,310 | 513 | 513 | 38,1681 | |
| 5550. | | 178,310 | | | 38 | |
| 5550.(3rd Sub) | | | 545 | 545 | 1258 1371,1439 | 1823 C168 |

| NO. | Intro. & Committee 1st Rdg. Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|---------------------------------------|-----------------------------|------------------------------|----------------------|-------------------|
| 5554. | | 514 | | 514 | |
| 5554.(Sub) | | 535 | 536 | 1255 1256,1440 | 1802 C27 |
| 5555. | | 289 | 289 | 1681 | |
| 5558. | | | | 38 | |
| 5559. | | | | 38 | |
| 5568. | 170 | | | 38 | |
| 5568.(2nd Sub) | | 282 | 282 | 1681 | |
| 5587. | 263 | | | 558 | |
| 5593. | | 403 | 403 | 1094 1145,1439 | 1802 C28 |
| 5594.(Sub) | 113 | 295 | 295 | 38,1255 1256,1440 | 1826 C219 |
| 5597. | | | 130 | 1681 | |
| 5602. | | | | 38 | |
| 5620. | | | | 38 | |
| 5622. | | | | 38 | |
| 5631. | | | | 38 | |
| 5637. | 166 | | | | |
| 5637.(Sub) | | 327 | 328 | 1681 | |
| 5647.(Sub) | | | | 38 | |
| 5650.(Sub) | | 233 | 234 | 1681 | |
| 5661. | | | | 38 | |
| 5677. | | | | 38 | |
| 5682. | | | | 38 | |
| 5685. | | | | 38 | |
| 5698. | | | | 39 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 5699. | | | | 253 | 1681 | |
| 5702.(Sub) | | | | | 38 | |
| 5705. | | 147 | 469 | 469 | 38,1681 | |
| 5712. | | | 295 | 295 | 1259 1371,1439 | 1804 C65 |
| 5714. | | | | | 39 | |
| 5723.(Sub) | | | | 388 | 1681 | |
| 5744. | | | | | 39 | |
| 5749. | | | | | 39 | |
| 5752. | | | | | 39 | |
| 5754.(Sub) | | | | | 38 | |
| 5764. | | | | | 68 | |
| 5767. | | 147 | | | 39 | |
| 5768. | | 147 | | | 39 | |
| 5772.(Sub) | | 114 | | | | |
| 5775. | | | | | 39 | |
| 5783. | | 178 | | | 558 | |
| 5789. | | | | | 38 | |
| 5795. | | | | | 39 | |
| 5797. | | | | | 38 | |
| 5798. | | | | 232 | 1681 | |
| 5806. | | | | | 39 | |
| 5808. | | | | | 38 | |
| 5821. | | | | 206 | 1681 | |
| 5822. | | | | | 39 | |
| 5830.(Sub) | | | | | 38 | |

| NO. | Intro. & Committee 1st Rdg. Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|---------------------------------------|-----------------------------|------------------------------|--------------------------------|----------------------------|
| 5835.(Sub) | 94 | | | 38 | |
| 5835.(2nd Sub) | 515 | 515 | 515 | 1261 1371,1440 2031,2035 | 2106 1892 PV C301 |
| 5842. | | | | 38 | |
| 5845. | 310 | | | | |
| 5845.(2nd Sub) | 516 | 516 | 516 | 1262 | 1808 C110 |
| 5849. | | | | 39 | |
| 5869. | | | | 39 | |
| 5870. | | | | 68 | |
| 5872.(Sub) | 65 | | | 38 | |
| 5872.(2nd Sub) | 256 | 256 | 256 | 1681 | |
| 5880. | | | | 39 | |
| 5882. | 87,211 | | | | |
| 5882.(2nd Sub) | 533 | 533 | 533 | 1255,1256 1440,1870 | 2107 1868 PV C291 |
| 5900. | 166 | 338 | 338 | 39,1681 | |
| 5902. | | | | 68 | |
| 5908. | 258 | 258 | 258 | 1681 | |
| 5912. | | | | 40 | |
| 5927.(Sub) | | | | 38 | |
| 5935. | 148 | | | 39 | |
| 5935.(Sub) | 364 | 364 | 364 | 1094 1145,1439 | 1808 C93 |
| 5948.(Sub) | | | | 38 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|--------------------------------|------------------------|
| 5953. | | 211 | | | 39 | |
| 5957. | | 148 | | | | |
| 5966. | | | | | 38 | |
| 5973. | | | | | 39 | |
| 5992. | | | | | 38 | |
| 5993.(Sub) | | 263 | | | 38 | |
| 5993.(2nd Sub) | | | 389 | 389 | 1094 1145,1439 | 1868 C281 |
| 5996. | | 94,211 | | | 39 | |
| 5996.(2nd Sub) | | | 404 | 404 | 1261 1371,1440 | 1821 C158 |
| 5998. | | | | | 131 | |
| 6002. | | | 204 | 204 | 1681 | |
| 6031. | | 211 | | | | |
| 6031.(Sub) | | | 332 | 332 | 1281,1502 1574,1597 | 1821 C143 |
| 6034. | | | | | 38 | |
| 6038. | | 307 | 511 | 511 | 1681 | |
| 6045. | | | | | 38 | |
| 6061.(Sub) | | | | | 38 | |
| 6082. | | | | | 166 | |
| 6086. | | 311 | 436 | 436 | 1681 | |
| 6091. | | | 1153 | 1153 1838,1870 | 1681,1838 1940,2020 | 2029 C7E1 |
| 6114. | | | 1866 | 1867 | 1866 2022,2023 2030,2031 | 2107 2030 VETOED |
| 6145.(Sub) | | | | | 38 | |
| 6148. | | 263 | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6148.(Sub) | | | 544 | 544 | 1681 | |
| 6151. | | 245 | | | | |
| 6152. | | | | | 36 | |
| 6163. | | 3 | | | | |
| 6164. | 3 | 94 | 228 | 229 | 1458 1495,1597 | 1826 C202 |
| 6165. | 3 | 132 | | | | |
| 6165.(Sub) | | | 296 | 296 | 1681 | |
| 6166. | 3 | 115 | | | | |
| 6166.(Sub) | | | 208 | 208 | 1681 | |
| 6167. | 4 | 115 | | | | |
| 6167.(Sub) | | | 207 | 207 | 1094 1145,1439 | 1803 C44 |
| 6168. | 4 | 263 | | | | |
| 6168.(Sub) | | | 329 | 329 | 1681 | |
| 6169. | 4 | | | | | |
| 6170. | 4 | | | | | |
| 6171. | 4 | 238 | | | | |
| 6172. | 4 | 94 | 356 | 356 | 1282 1371,1440 | 1809 C137 |
| 6173. | 4 | | | | | |
| 6174. | 4 | 263 | | | | |
| 6175. | 4 | 167 | | | | |
| 6176. | 4 | | | | | |
| 6177. | 5 | | | | | |
| 6178. | 5 | | | | | |
| 6179. | 5 | 211 | 338 | 338 | 1681 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|-------------|----------------------|---------------------|-----------------------------|------------------------------|--------------------------------|----------------------------|
| 6180. | 5 | 167 | 301 | 301 | 1255 1256,1438 | 1803 C54 |
| 6181. | 5 | | | | | |
| 6182. | 5 | 132 | 514 | | 514 | |
| 6182.(Sub) | | | 537 | 537 | 1441 1467,1548 | 1868 C294 |
| 6183. | 5 | 167 | | | | |
| 6184. | 5 | 264 | | | 664 | |
| 6185. | 5 | | | | | |
| 6186. | 5 | | | | | |
| 6187. | 5 | | | | | |
| 6188. | 6 | | | | | |
| 6189. | 6 | 170 | 499 | 500 | 1094 1145,1439 | 1868 C273 |
| 6190. | 6 | 65 | | | | |
| 6190.(Sub) | | | 207 | 207 | 1273 1275,1331 1439,1870 | 2107 1869 PV C270 |
| 6191. | 6 | 167,738 | | | | |
| 6191. (Sub) | | | 780 | 780 | 1278 1371,1440 | 1868 C269 |
| 6192. | 6 | 115 | 282 | 283 | 1094 1145,1439 | 1826 C218 |
| 6193. | 6 | 220,311 | | | | |
| 6193.(Sub) | | | 404 | 404 | 1681 | |
| 6194. | 6 | 264 | | | | |
| 6195. | 6 | 170 | | | | |
| 6195. (Sub) | | | 302 | 302 | 1386 1451,1548 | 1826 C226 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6196. | 6 | | | | | |
| 6197. | 7 | | | | | |
| 6198. | 7 | | | | | |
| 6199. | 7 | | | | | |
| 6200. | 7 | 66 | 232 | 232 | 835,926 | 1473 C4 |
| 6201. | 7 | 170 | 302 | 302 | 1094 1145,1439 | 1803 C55 |
| 6202. | 7 | 132,311 | | | | |
| 6202.(2nd Sub) | | | 724 | 724 | 1681 | |
| 6203. | 7 | | | | | |
| 6204. | 7 | | | | | |
| 6205. | 7 | | | | | |
| 6206. | 7 | | | | | |
| 6207. | 8 | | | | | |
| 6208. | 8 | | | | | |
| 6209. | 8 | 220 | | | | |
| 6210. | 8 | 167 | 303 | 303 | 835,926 | 1473 C6 |
| 6211. | 8 | 211 | | | | |
| 6212. | 8 | | | | | |
| 6213. | 8 | 234 | 525 | 526 | 1094 1145,1439 | 1821 C153 |
| 6214. | 8 | 212 | | | | |
| 6215. | 8 | 212 | | | | |
| 6216. | 9 | 170,311 | | | | |
| 6216.(2nd Sub) | | | 509 | 509 | 1255 1256,1440 | 1802 C29 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 6217. | 9 | 197 | | | | |
| 6218. | 9 | 212 | | | | |
| 6219. | 9 | 264,630 | | | | |
| 6219.(2nd Sub) | | | 724 | 724 | 289,1681 | |
| 6220. | 9 | 238 | | | 113 | |
| 6221. | 9 | 254,311 | | | | |
| 6221.(Sub) | | | 437,500 | 500 | 437,1387 1451,1548 | 1809 C101 |
| 6222. | 9 | | | | | |
| 6223. | 9 | 264 | | | | |
| 6223.(Sub) | | | 365 | 365 | 1681 | |
| 6224. | 9 | 220 | 517 | 517 | 1095 1145,1439 | 1809 C103 |
| 6225. | 10 | 220 | | | | |
| 6226. | 10 | 212 | | | | |
| 6227. | 47 | | | | | |
| 6228. | 47 | | | | | |
| 6229. | 47 | | | | | |
| 6230. | 47 | 311 | | | | |
| 6230.(Sub) | | | 514 | 514 | 1682 | |
| 6231. | 47 | | | | | |
| 6232. | 47 | 221 | | | | |
| 6232.(Sub) | | | 423 | 423 | 1682 | |
| 6233. | 47 | 221 | | | | |
| 6234. | 47 | 167,312 | | | | |
| 6234.(Sub) | | | 547 | 547 | 1682 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|---------------------|-------------------|
| 6235. | 48 | | | | | |
| 6236. | 48 | 115 | | | 558 | |
| 6237. | 48 | | | | | |
| 6238. | 48 | 221 | | | | |
| 6239. | 48 | 234 | | | | |
| 6239.(Sub) | | | 431 | 431 | 1682 | |
| 6240. | 48 | | | | | |
| 6241. | 48 | | | | | |
| 6242. | 48 | | | | | |
| 6243. | 48 | 264 | | | | |
| 6243.(Sub) | | | 334 | 334 | 1682 | |
| 6244. | 48 | 197 | | | | |
| 6245. | 49 | | | | | |
| 6246. | 49 | 95 | | | | |
| 6246.(Sub) | | | 203 | 204 | 1682 | |
| 6247. | 49 | 212 | | | | |
| 6247.(Sub) | | | 435 | 435 | 1682 | |
| 6248. | 49 | | | | | |
| 6249. | 49 | | | | | |
| 6250. | 49 | 171 | 303 | 304 | 1682 | |
| 6251. | 49 | 171 | 333 | 333 | 1682 | |
| 6252. | 49 | 178 | 514,550 | 551 | 514,547 552,1682 | |
| | | | | | 1442 | |
| | | | | | 1554,1591 | 2108 |
| | | | | | 1673,1676 | 1890 |
| 6253. | 49 | 171 | 325 | 325 | 2030,2031 | VETOED |
| 6254. | 49 | 167 | | | 558 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend-ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|-------------------|------------------|----------------------|------------------------|--|-------------------------|
| 6255. | 50 | 132 | | | | |
| 6255.(Sub) | | | 401 | 401 | 1310 1464,1630 1673,1676 | 1831 C236 |
| 6256. | 50 | 168 | | | 558 | |
| 6257. | 50 | 168 | | | 558 | |
| 6258. | 50 | 221 | | | 68 | |
| 6259. | 50 | 95,115 | | | | |
| 6259.(2nd Sub) | | | 158,160 | 164 | 577 629,632 667,720 725,744 762 1494,1495 | 2109 943 PV C3 |
| 6260. | 55 | | | | | |
| 6261. | 55 | | | | | |
| 6262. | 55 | 221 | | | | |
| 6263. | 56 | | | | | |
| 6264. | 56 | | | | | |
| 6265. | 56 | | | | | |
| 6266. | 56 | | | | | |
| 6267. | 56 | 221 | 305 | 305 | 762,830 | 1473 C13 |
| 6268. | 56 | | | | 68 | |
| 6269. | 56 | 265 | 388 | 389 | 1682 | |
| 6270. | 56 | | | | | |
| 6271. | 56 | | | | | |
| 6272. | 57 | 171 | 365 | 365 | 1682 | |
| 6273. | 57 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 6274. | 57 | 234,312 | | | | |
| 6274.(2nd Sub) | | | 447 | 448 | 1682 | |
| 6275. | 57 | 259 | | | | |
| 6276. | 57 | 265 | | | | |
| 6276.(Sub) | | | 439 | 439 | 1682 | |
| 6277. | 57 | | | | | |
| 6278. | 57 | | | | | |
| 6279. | 57 | | | | | |
| 6280. | 57 | | | | | |
| 6281. | 57 | | | | | |
| 6282. | 58 | | | | | |
| 6283. | 58 | | | | | |
| 6284. | 58 | | | | | |
| 6285. | 58 | | | | | |
| 6286. | 58 | | | | | |
| 6287. | 58 | | | | | |
| 6288. | 58 | | | | | |
| 6289. | 58 | 133 | | | | |
| 6289.(Sub) | | | 305 | 305 | 1094 1145,1439 | 1802 C37 |
| 6290. | 58 | 95 | | | | |
| 6290.(Sub) | | | 283,292 | 292 | 283,1266 1371,1440 | 1809 C89 |
| 6291. | 59 | 265,630 | | | | |
| 6291.(2nd Sub) | | | 746 | 746 | 1682 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend-ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|-------------------|------------------|----------------------|------------------------|--|----------------------------|
| 6292. | 59 | 197 | 397 | 397 | 1255 1256.1438 2031.2035 | 2109 1891 PV C300 |
| 6293. | 59 | | | | 144 | |
| 6294. | 59 | 238 | | | | |
| 6295. | 59 | 171 | | | | |
| 6295.(Sub) | | | 332 | 332 | 1682 | |
| 6296. | 59 | 221 | | | | |
| 6296.(Sub) | | | 306 | 306 | 1682 | |
| 6297. | 59 | | | | | |
| 6298. | 59 | | | | | |
| 6299. | 59 | | | | | |
| 6300. | 59 | 179 | 359 | 359 | 1682 | |
| 6301. | 59 | | | | | |
| 6302. | 60 | 133 | | | | |
| 6303. | 60 | 133 | 283 | 283 | 1432 1458.1554 1610.1642 1675.1676 | 1831 C241 |
| 6304. | 60 | 95 | 284 | 284 | 1387 1451.1548 | 1821 C162 |
| 6305. | 60 | 148 | | | | |
| 6305.(Sub) | | | 400 | 400 | 1255 1256.1440 | 1821 C154 |
| 6306. | 60 | 238 | | | | |
| 6306.(Sub) | | | 479 | 479 | 1320.1435 1592.1610 1643.1675 1676.1870 | 2110 1832 PV C268 |
| 6307. | 60 | 245 | | | 558 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 6308. | 60 | | | | | |
| 6309. | 60 | | | | | |
| 6310. | 60 | 148 222,312 | | | | |
| 6310.(2nd Sub) | | | 513 | 513 | 1443 1467,1548 | 1804 C58 |
| 6311. | 60 | | | | | |
| 6312. | 61 | 235 | | | 558 | |
| 6312.(Sub) | | | 748 | 748 | 1682 | |
| 6313. | 61 | | | | | |
| 6314. | 61 | 171 | | | | |
| 6314.(Sub) | | | 472 | 472 | 473 FAILED | |
| 6315. | 61 | | | | | |
| 6316. | 61 | | | | | |
| 6317. | 61 | | | | | |
| 6318. | 61 | 222 | | | | |
| 6319. | 61 | | | | | |
| 6320. | 61 | | | | | |
| 6321. | 61 | | | | | |
| 6322. | 62 | | | | | |
| 6323. | 62 | 265 | | | | |
| 6324. | 62 | | | | | |
| 6325. | 62 | 235 | | | | |
| 6325.(Sub) | | | 477 | 477 | 1682 | |
| 6326. | 62 | 172,312 | | | | |
| 6326.(Sub) | | | 440,448 | 448 | 445,1255 1256,1440 | 1868 C289 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|------------------------|-------------------|
| 6327. | 62 | 168 | 284 | 284 | 835,926 | 1473 C14 |
| 6328. | 62 | 172 | 306 | 306 | 1682 | |
| 6329. | 62 | 312 | | | | |
| 6329.(Sub) | | | 512 | 512 | 1682 | |
| 6330. | 62 | 197 | | | | |
| 6330.(Sub) | | | 396 | 396 | 1388 1451,1548 | 1823 C199 |
| 6331. | 62 | | | | | |
| 6332. | 68 | 133 | | | | |
| 6332.(Sub) | | | 473,475 | 475 | 1682 | |
| 6333. | 68 | | | | | |
| 6334. | 69 | 238 | 432 | 433 | 1682 | |
| 6335. | 69 | 95 | 306 | 307 | 1094 1145,1439 | 1802 C31 |
| 6336. | 69 | 148 | | | | |
| 6337. | 69 | 133,197 | | | | |
| 6337.(2nd Sub) | | | 560 | 561 | 1682 | |
| 6338. | 69 | | | | | |
| 6339. | 69 | | | | 93 | |
| 6340. | 69 | | | | | |
| 6341. | 69 | | | | | |
| 6342. | 69 | | | | | |
| 6343. | 70 | | | | | |
| 6344. | 70 | 179 | 334 | 334,1940 | 1682,1940 2021,2023 | 2029 C8E1 |
| 6345. | 70 | 179 | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6346. | 70 | | | | | |
| 6347. | 70 | 265 | | | 558 | |
| 6348. | 70 | 195 | | | | |
| 6348.(Sub) | | | 293 | 293 | 1094 1145,1439 | 1809 C105 |
| 6349. | 70 | | | | | |
| 6350. | 70 | 265 | 514,537 | 537 | 166 514,1682 | |
| 6351. | 70 | 148 | | | | |
| 6352. | 70 | 133,198 | | | | |
| 6352.(2nd Sub) | | | 559 | 559 | 1682 | |
| 6353. | 70 | 133 | 307 | 307 | 1682 | |
| 6354. | 71 | 95 | 252 | 252 | 835,926 | 1473 C19 |
| 6355. | 71 | | | | | |
| 6356. | 71 | 179 | 319 | 319 | 1682 | |
| 6357. | 71 | | | | | |
| 6358. | 71 | 777 | | | | |
| 6358.(Sub) | | | 1031 | 1066 | 1282 1371,1440 | 1803 C42 |
| 6359. | 71 | | | | | |
| 6360. | 71 | 212 | 285 | 285 | 1682 | |
| 6361. | 71 | | | | | |
| 6362. | 71 | 235 | | | | |
| 6362.(Sub) | | | 319 | 319 | 1682 | |
| 6363. | 71 | | | | | |
| 6364. | 72 | | | | | |
| 6365. | 72 | 239 | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6366. | 72 | | | | | |
| 6367. | 72 | | | | | |
| 6368. | 72 | | | | | |
| 6369. | 72 | | | | | |
| 6370. | 72 | 168 | 454 | 455 | 1388 1451.1548 | 1823 C193 |
| 6371. | 72 | 265 | | | | |
| 6371.(Sub) | | | 366 | 366 | 1682 | |
| 6372. | 72 | | | | | |
| 6373. | 73 | | | | | |
| 6374. | 73 | | | | | |
| 6375. | 73 | | | | | |
| 6376. | 73 | 266 | | | | |
| 6377. | 73 | 212 | | | | |
| 6377.(Sub) | | | 391 | 391 | 1262 1371.1440 | 1821 C144 |
| 6378. | 73 | 266 | | | | |
| 6379. | 73 | | | | | |
| 6380. | 73 | | | | | |
| 6381. | 73 | 239 | | | | |
| 6381.(Sub) | | | 514,533 | | 514,1682 | |
| 6382. | 73 | | | | | |
| 6383. | 74 | 168 | | | | |
| 6383.(Sub) | | | 285 | 285 | 1682 | |
| 6384. | 74 | | | | | |
| 6385. | 74 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------------------|-------------------------|
| 6386. | 74 | | | | | |
| 6387. | 74 | | | | | |
| 6388. | 74 | 239 | 514,534 | 534 | 514,1255 1256,1440 | 1809 C121 |
| 6389. | 74 | 115 | | | | |
| 6389.(Sub) | | | 319 | 321 | 1255 1256,1440 | 1823 C178 |
| 6390. | 74 | 116 | | | | |
| 6390.(Sub) | | | 526 | 526 | 1255 1256,1440 | 1823 C179 |
| 6391. | 74 | 116 | 322 | 322 | 1255 1256,1440 | 1826 C224 |
| 6392. | 74 | 116 | 293 | 293 | 1255 1256,1440 | 1804 C79 |
| 6393. | 74 | 116 | | | | |
| 6393.(Sub) | | | 322 | 322 | 1255 1256,1440 | 1831 C237 |
| 6394. | 75 | 116 | 323 | 323 | 1255 1256,1440 | 1826 C225 |
| 6395. | 75 | 134 | | | | |
| 6395.(Sub) | | | 323 | 323 | 1255 1256,1440 | 1823 C180 |
| 6396. | 75 | 116 | 293 | 294 | 1255 1256,1440 | 1809 C111 |
| 6397. | 75 | | | | | |
| 6398. | 75 | | | | | |
| 6399. | 75 | 266 | 514,534 | 535 | 514 1391,1451 1548,1829 | 1821,2110 PV C165 |
| 6400. | 75 | | | | | |
| 6401. | 75 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------|-------------------|
| 6402. | 75 | 266 | | | | |
| 6402.(Sub) | | | 532 | 532 | 1682 | |
| 6403. | 75 | | | | | |
| 6404. | 75 | | | | | |
| 6405. | 76 | | | | | |
| 6406. | 76 | | | | | |
| 6407. | 76 | 639 | 641 | | | |
| | | | | | 846,929 | |
| | | | | | 1336,1683 | |
| | | | | | 1687,1714 | |
| | | | | | 1783,1800 | 2111 |
| | | | | | 1947,2020 | 2032 |
| | | | | 643 | 2021,2023 | PV |
| 6407.(Sub) | | | 642 | 1687,1690 | 2031,2035 | C16E1 |
| | | | | | 845,1351 | |
| | | | | | 1371,1441 | 2115 |
| | | | | | 1503,1605 | 1892 |
| | | | | | 1673,1676 | PV |
| 6408. | 77 | 778 | 846,942 | 942 | 2031,2035 | C298 |
| 6409. | 77 | | | | | |
| 6410. | 77 | | | | | |
| | | | | | 1288 | |
| | | | | | 1292,1435 | |
| | | | | | 1567,1611 | 1868 |
| 6411. | 77 | 266 | 494 | 498 | 1673,1676 | C272 |
| 6412. | 77 | 172,235 | | | | |
| | | | | | 1682 | |
| | | | | 406,1888 | 1888,1942 | 2030 |
| 6412.(Sub) | | | 405,1894 | 1894,1897 | 2021,2022 | C14E1 |
| 6413. | 78 | 1163 | | | | |
| 6414. | 78 | 266 | | | | |
| 6415. | 78 | | | | | |
| 6416. | 78 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend-ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|-------------------|------------------|----------------------|------------------------|-------------------|----------------|
| 6417. | 78 | 931 | | | | |
| | | | | | 1352 | |
| | | | | | 1371,1441 | 2115 |
| | | | | | 1613,1657 | 1891 |
| | | | | | 1675,1676 | PV |
| 6417.(Sub) | | | 1030 | 1030 | 2031,2035 | C299 |
| 6418. | 79 | 259,313 | | | | |
| | | | | | 1321,1437 | |
| | | | | | 1561,1607 | 1868 |
| 6418.(2nd Sub) | | | 400 | 400 | 1673,1676 | C271 |
| 6419. | 79 | 266,630 | | | | |
| 6419.(2nd Sub) | | | 666 | 666 | 1682 | |
| 6420. | 79 | | | | | |
| 6421. | 79 | 172 | 286 | 286 | 1682 | |
| 6422. | 79 | | | | 131 | |
| 6423. | 79 | | | | | |
| 6424. | 79 | 267 | | | | |
| 6425. | 79 | | | | | |
| 6426. | 79 | 267 | | | | |
| 6426.(Sub) | | | 333 | 333 | 1094 1145,1439 | 1831 C240 |
| 6427. | 79 | | | | | |
| 6428. | 80 | 172,313 | | | | |
| 6429. | 80 | | | | | |
| 6430. | 80 | | | | | |
| 6431. | 80 | | | | | |
| 6432. | 80 | | | | | |
| | | 198 | | | | |
| 6433. | 80 | 222,313 | 417 | 417 | 1682 | |
| 6434. | 80 | 267 | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend-ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|-------------------|------------------|----------------------|------------------------|--|----------------|
| | | | | | 1427,1428 1444,1546 1573,1587 1610,1682 | |
| 6434.(Sub) | | | 360 | 362 | | |
| 6435. | 80 | | | | | |
| 6436. | 80 | | | | | |
| 6437. | 80 | 239 | | | | |
| 6438. | 81 | 267 | | | | |
| 6438.(Sub) | | | 478 | 478 | 1682 | |
| 6439. | 81 | | | | | |
| | | 198 | | | | |
| 6440. | 81 | 222,313 | | | | |
| 6440.(2nd Sub) | | | 418,420 | 420 | 419,1682 | |
| 6441. | 81 | | | | | |
| 6442. | 81 | | | | | |
| 6443. | 81 | 116 | | | 205 | |
| 6444. | 81 | | | | 144 | |
| 6445. | 81 | 267 | | | | |
| 6445.(Sub) | | | 337 | 337 | 1682 | |
| 6446. | 82 | 149 | | | | |
| | | | | | 1094 | 1809 |
| 6446.(Sub) | | | 526 | 526 | 1145,1439 | C132 |
| 6447. | 82 | 149 | | | 219 | |
| | | | | | 1269 | 1809 |
| 6447. (Sub) | | | 527 | 527 | 1371,1440 | C133 |
| 6448. | 82 | | | | | |
| 6449. | 82 | 195 | | | 558 | |
| 6450. | 82 | 195 | 415 | 415 | 1682 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6451. | 82 | 196 | 419 | 419 | 1255 1256,1438 | 1826 C216 |
| 6452. | 82 | 222 | | | | |
| 6452.(Sub) | | | 436 | 436 | 1276 1371,1440 | 1802 C23 |
| 6453. | 82 | 198 | | | | |
| 6453.(Sub) | | | 393 | 393 | 1094 1145,1439 | 1809 C134 |
| 6454. | 82 | 172 | 397 | 398 | 1682 | |
| 6455. | 87 | | | | | |
| 6456. | 87 | | | | | |
| 6457. | 87 | | | | | |
| 6458. | 87 | 259 | | | | |
| 6459. | 87 | 239 | | | | |
| 6459.(Sub) | | | 527 | 527 | 1682 | |
| 6460. | 88 | | | | | |
| 6461. | 88 | 198 | 366 | 366 | 1682 | |
| 6462. | 88 | 260 | | | | |
| 6463. | 88 | 172 | | | | |
| 6463.(Sub) | | | 367 | 367 | 835,926 | 1473 C7 |
| 6464. | 88 | 213 | 528 | 528 | 1278 1371,1440 | 1803 C56 |
| 6465. | 88 | | | | | |
| 6466. | 88 | | | | | |
| 6467. | 88 | 222 | | | | |
| 6467.(Sub) | | | 324 | 324 | 1255 1256,1438 | 1823 C200 |
| 6468. | 88 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6469. | 88 | | | | | |
| 6470. | 89 | 213 | 324 | 324 | 1255 1256,1438 | 1804 C81 |
| 6471. | 89 | | | | | |
| 6472. | 89 | | | | | |
| 6473. | 89 | 149 | | | | |
| 6473.(Sub) | | | 367 | 367 | 1279 1371,1440 | 1802 C22 |
| 6474. | 89 | 267 | | | | |
| 6474.(Sub) | | | 394 | 394 | 1392 1451,1548 | 1823 C189 |
| 6475. | 89 | 260 | | | | |
| 6475.(Sub) | | | 507 | 507 | 1682 | |
| 6476. | 89 | 268 | | | | |
| 6476.(Sub) | | | 356,372 | | 357 372,1549 | |
| 6477. | 89 | | | | | |
| 6478. | 89 | 245 | | | 558 | |
| 6479. | 89 | | | | | |
| 6480. | 90 | | | | | |
| 6481. | 90 | | | | | |
| 6482. | 90 | | | | | |
| 6483. | 90 | | | | | |
| 6484. | 90 | 223 | | | | |
| 6485. | 90 | | | | | |
| 6486. | 90 | | | | | |
| 6487. | 90 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------------------------|-------------------|
| 6488. | 90 | 213 | | | | |
| 6488.(Sub) | | | 330 | 330 | 1682 | |
| 6489. | 90 | | | | | |
| 6490. | 90 | 213 | | | | |
| 6491. | 90 | | | | | |
| 6492. | 91 | 260,313 | | | | |
| 6492.(2nd Sub) | | | 665 | 665 | 1682 | |
| 6493. | 91 | 260 | | | | |
| 6493.(Sub) | | | 439 | 439 | 454,1094 1145,1439 | 1821 C145 |
| 6494. | 91 | 235 | | | | |
| 6494.(Sub) | | | 348 | 348 | 1393,1394 1416,1631 1675,1676 | 1821 C146 |
| 6495. | 91 | 246 | 515 | 515 | 1682 | |
| 6496. | 91 | | | | | |
| 6497. | 91 | 198 | | | | |
| 6498. | 91 | | | | | |
| 6499. | 98 | 246 | | | | |
| 6499.(Sub) | | | 433 | 433 | 1283,1284 1308,1476 1574,1597 | 1823 C172 |
| 6500. | 98 | | | | | |
| 6501. | 98 | 268 | | | | |
| 6501.(Sub) | | | 424 | 430 | 1284 1288,1572 | |
| 6502. | 98 | 199 | | | 558 | |
| 6503. | 98 | | | | | |
| 6504. | 98 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6505. | 98 | | | | | |
| 6506. | 99 | 223 | 451,453 | 454 | 452,1682 | |
| 6507. | 99 | | | | | |
| 6508. | 99 | 246 | | | | |
| 6509. | 99 | | | | | |
| 6510. | 99 | 117 | 256 | 257 | 762,830 | 1473 C10 |
| 6511. | 99 | 117 | | | | |
| 6512. | 99 | 117 | 257 | 257 | 1682 | |
| 6513. | 99 | 246 | | | | |
| 6514. | 99 | 168 | 348 | 349 | 762,830 | 1473 C15 |
| 6515. | 99 | 246 | 402 | 402 | 1682 | |
| 6516. | 99 | 196,313 | | | | |
| 6517. | 100 | 223 | 349 | 349 | 1682 | |
| 6518. | 100 | | | | | |
| 6519. | 100 | | | | | |
| 6520. | 100 | 223 | 402 | 402 | 1255 1256,1438 | 1823 C173 |
| 6521. | 100 | | | | | |
| 6522. | 100 | | | | | |
| 6523. | 100 | | | | | |
| 6524. | 100 | | | | | |
| 6525. | 100 | | | | | |
| 6526. | 100 | 134 | | | | |
| 6526.(Sub) | | | 255 | 255 | 1682 | |
| 6527. | 101 | 239 | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------------------------|------------------------|
| 6528. | 101 | 168 | 349 | 349 | 1395 1451,1548 | 1809 C112 |
| 6529. | 101 | | | | | |
| 6530. | 101 | | | | | |
| 6531. | 101 | 235 | | | | |
| 6531.(Sub) | | | 407 | 407 | 835,926 | 1473 C5 |
| 6532. | 101 | 240 | | | | |
| 6533. | 101 | 268 | 368 | 368 | 1255 1256,1438 | 2116 1826 VETOED |
| 6534. | 101 | | | | | |
| 6535. | 101 | 246 | 401 | 402 | 1255 1256,1440 | 1803 C50 |
| 6536. | 101 | 268 | | | | |
| 6536.(Sub) | | | 502 | 503 | 1682 | |
| 6537. | 101 | 149,314 | | | | |
| 6537.(2nd Sub) | | | 491 | 493 | 1331,1435 1558,1607 1674,1676 | 1868 C284 |
| 6538. | 102 | 145,314 | | | | |
| 6538.(2nd Sub) | | | 504 | 504 | 1682 | |
| 6539. | 102 | 179 | | | | |
| 6540. | 102 | | | | | |
| 6541. | 102 | | | | | |
| 6542. | 102 | 223 | | | | |
| 6543. | 102 | | | | | |
| 6544. | 102 | | | | | |
| 6545. | 102 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|------------------------|-------------------|
| 6546. | 102 | 268,314 | | | | |
| 6547. | 102 | 223 | | | | |
| 6547.(Sub) | | | 297 | 301 | 1682 | |
| 6548. | 103 | | | | | |
| 6549. | 103 | 213 | 408 | 408 | 835,926 | 1473 C16 |
| 6550. | 103 | | | | | |
| 6551. | 103 | | | | | |
| 6552. | 103 | | | | | |
| 6553. | 103 | | | | | |
| 6554. | 103 | 213 | | | | |
| 6555. | 103 | 240 | | | | |
| 6556. | 103 | | | | | |
| 6557. | 103 | | | | | |
| 6558. | 104 | 260 | 350 | 350 | 762,830 | 1473 C9 |
| 6559. | 104 | 224 | 370 | 370 | 1390,1600 1674,1676 | 1809 C136 |
| 6560. | 104 | 173 | | | | |
| 6560.(Sub) | | | 350 | 350 | 1445 1467,1548 | 1831 C238 |
| 6561. | 104 | 213 | 294 | 294 | 1683 | |
| 6562. | 104 | 246,314 | 399 | 399 | 1198 1371,1440 | 1823 C186 |
| 6563. | 104 | 260 | 363 | 363 | 1683 | |
| 6564. | 104 | 173 | 351 | 351 | 1094 1145,1439 | 1809 C130 |
| 6565. | 104 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|------------------------|-------------------------|
| 6566. | 104 | | | | | |
| 6567. | 104 | 247 | 449 | 449 | 1683 | |
| 6568. | 104 | 247 | 450 | 450 | 1683 | |
| 6569. | 105 | | | | | |
| 6570. | 105 | | | | | |
| 6571. | 105 | 179 | 351 | 351 | 1394 1451.1548 | 1823 C183 |
| 6572. | 105 | 179 | | | | |
| 6572.(Sub) | | | 352 | 352 | 762.830 | 1473 C11 |
| 6573. | 105 | 199 | | | | |
| 6573.(Sub) | | | 470 | 470 | 835.926 | 1473 C12 |
| 6574. | 105 | 247 | 370 | 370 | 1395.1451 1548.1828 | 1824.2116 PV C167 |
| 6575. | 105 | 199 | | | | |
| 6575.(Sub) | | | 470 | 470 | 1398 1451.1548 | 1804 C82 |
| 6576. | 105 | 214 | 352 | 352 | 762.830 | 1473 C20 |
| 6577. | 105 | 117 | 353 | 353 | 1410 1451.1548 | 1809 C127 |
| 6578. | 105 | 173 | | | | |
| 6579. | 105 | 173 | | | | |
| 6580. | 106 | | | | | |
| 6581. | 106 | 268 | | | | |
| 6582. | 106 | 269 | | | | |
| 6583. | 106 | 117 | 286 | 286 | 1327.1435 1451.1548 | 1821 C157 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 6584. | 106 | | | | | |
| 6585. | 106 | 214,314 | | | | |
| 6585.(Sub) | | | 416 | 416 | 1683 | |
| 6586. | 106 | | | | | |
| 6587. | 106 | | | | | |
| 6588. | 106 | 269 | 514,537 | 537 | 514,1255 1256,1438 | 1821 C152 |
| 6589. | 120 | 173 | | | | |
| 6589.(Sub) | | | 371 | 371 | 1255 1256,1438 | 1804 C76 |
| 6590. | 120 | | | | | |
| 6591. | 120 | | | | | |
| 6592. | 120 | | | | | |
| 6593. | 120 | | | | | |
| 6594. | 120 | 314 | | | | |
| 6594.(Sub) | | | 434 | 434 | 835,926 | 1473 C8 |
| 6595. | 121 | | | | | |
| 6596. | 121 | | | | | |
| 6597. | 121 | | | | 183 | |
| 6598. | 121 | | | | | |
| 6599. | 121 | | | | | |
| 6600. | 121 | 315 | | | | |
| 6600.(Sub) | | | 401 | 401 | 835,926 | 1473 C18 |
| 6601. | 121 | 199 | | | | |
| 6602. | 121 | | | | | |
| 6603. | 121 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|--|-------------------|
| 6604. | 122 | | | | | |
| 6605. | 122 | | | | | |
| 6606. | 122 | 196 | 371 | 371 | 1255 1256,1438 | 1809 C95 |
| 6607. | 122 | | | | | |
| 6608. | 122 | 179 | | | | |
| 6608.(Sub) | | | 528 | 529 | 1256,1438 | 1826 C210 |
| 6609. | 122 | 199 | | | | |
| 6610. | 122 | 269,315 | | | | |
| | | | | | 1401 1410,1411 1423,1464 1610,1632 1641,1667 | |
| 6610.(2nd Sub) | | | 505 | 505 | 1675,1676 | 1868 C276 |
| 6611. | 122 | 260 | | | | |
| 6611.(Sub) | | | 353 | 353 | 1683 | |
| 6612. | 122 | 214 | 354 | 354 | 1683 | |
| 6613. | 122 | | | | | |
| 6614. | 123 | | | | | |
| 6615. | 123 | | | | | |
| 6616. | 123 | | | | | |
| 6617. | 123 | | | | | |
| 6618. | 123 | | | | | |
| 6619. | 123 | | | | | |
| 6620. | 123 | | | | | |
| 6621. | 123 | | | | | |
| 6622. | 123 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amendments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|-------------------|------------------|----------------------|------------------------|--|----------------|
| 6623. | 123 | | | | | |
| 6624. | 124 | 755 | | | | |
| 6624.(Sub) | | | 1151 1880 1882 | 1153 1880 1883 | 1683,1879 1880,1888 1890,1903 | 2029 C6E1 |
| 6625. | 124 | 261 | | | | |
| 6625.(Sub) | | | 529 | 529 | 1683 | |
| 6626. | 124 | 269 | | | | |
| 6626.(Sub) | | | 326 | 326 | 1328,1330 1331,1435 1492,1608 1674,1676 | 1868 C288 |
| 6627. | 124 | 169 | | | 355,664 | |
| 6628. | 124 | | | | | |
| 6629. | 124 | 247 | | | | |
| 6629.(Sub) | | | 477 | 477 | 1683 | |
| 6630. | 124 | 269 | 454 | 454 | 1683 | |
| 6631. | 124 | | | | | |
| 6632. | 124 | | | | 166 | |
| 6633. | 125 | | | | | |
| 6634. | 125 | | | | | |
| 6635. | 125 | 269 | | | | |
| 6636. | 125 | | | | | |
| 6637. | 125 | | | | | |
| 6638. | 125 | | | | | |
| 6639. | 125 | 308 | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| | | | | | 1414 | |
| | | | | | 1458,1683 | |
| | | | | | 1783,1785 | |
| | | | | | 1800,1828 | 1868 |
| 6639.(Sub) | | | 450 | 450,1691 | 1829,1833 | C5E1 |
| 6640. | 125 | 269 | 473 | 473 | 762,830 | 1474 C17 |
| 6641. | 125 | | | | | |
| 6642. | 125 | 270 | | | | |
| 6642.(Sub) | | | 374 | 374 | 1094 1145,1439 | 1803 C57 |
| 6643. | 125 | 270 | | | | |
| 6644. | 126 | | | | | |
| 6645. | 126 | | | | | |
| 6646. | 126 | | | | | |
| 6647. | 126 | | | | | |
| 6648. | 126 | 173 | 354 | 354 | 1683 | |
| 6649. | 126 | 270 | | | | |
| | | | | | 1410 | |
| | | | | | 1458,1556 | |
| | | | | | 1610,1644 | 1831 |
| 6649.(Sub) | | | 336 | 336 | 1675,1676 | C258 |
| 6650. | 126 | | | | | |
| 6651. | 126 | | | | | |
| 6652. | 126 | 196 | 420 | 420 | 1446 1467,1548 | 1831 C267 |
| 6653. | 126 | 224,315 | 402 | 402 | 1683 | |
| 6654. | 126 | 196 | 514,538 | 538 | 514,1683 | |
| 6655. | 127 | | | | | |
| 6656. | 127 | | | | | |
| 6657. | 127 | 224 | 514 | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|---|----------------------------|
| 6657.(Sub) | | | 539 | 539 | 514,1683 | |
| 6658. | 127 | | | | | |
| 6659. | 127 | | | | | |
| 6660. | 127 | | | | | |
| 6661. | 127 | | | | | |
| 6662. | 127 | 270 | | | | |
| 6663. | 127 | 173 | | | | |
| 6663.(Sub) | | | 408 | 408 | 1419 1458,1517 1610,1674 1676,1870 | 2117 1832 PV C250 |
| 6664. | 128 | 247 | | | | |
| 6664.(Sub) | | | 414 | 415 | 1288 1573,1629 1658,1675 1676,1870 | 2117 1832 PV C264 |
| 6665. | 128 | 224 | 374 | 374 | 1683 | |
| 6666. | 128 | | | | | |
| 6667. | 128 | 224 | | | 145 | |
| 6667.(Sub) | | | 421 | 421 | 1683 | |
| 6668. | 128 | 247 | | | 183 | |
| 6668.(Sub) | | | 326 | 326 | 1446 1467,1548 | 1804 C73 |
| 6669. | 128 | 248 | 530 | 530 | 1683 | |
| 6670. | 137 | 270 | | | | |
| 6671. | 137 | 270 | 501 | 502 | 502 | |
| 6672. | 137 | 248 | 530 | 530 | 1683 | |
| 6673. | 137 | 236 | 355 | 355 | 1094 1145,1439 | 1804 C75 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6674. | 137 | 236 | | | | |
| 6675. | 137 | | | | | |
| 6676. | 138 | 248 | | | | |
| 6677. | 138 | 240 | | | 558 | |
| 6678. | 138 | | | | | |
| 6679. | 138 | | | | | |
| 6680. | 138 | | | | | |
| 6681. | 138 | 270 | | | | |
| 6681.(Sub) | | | 476 | 476 | 1411 1451,1548 | 1809 C96 |
| 6682. | 138 | | | | | |
| 6683. | 138 | | | | | |
| 6684. | 138 | | | | | |
| 6685. | 138 | 271 | | | | |
| 6686. | 138 | | | | | |
| 6687. | 139 | | | | | |
| 6688. | 139 | | | | | |
| 6689. | 139 | | | | | |
| 6690. | 139 | | | | | |
| 6691. | 139 | 271 | | | | |
| 6692. | 139 | | | | | |
| 6693. | 139 | | | | | |
| 6694. | 139 | 271 | | | | |
| 6695. | 139 | | | | | |
| 6696. | 139 | 240 | | | | |
| 6696.(Sub) | | | 422 | 422 | 1683 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------------|----------------------|---------------------|-----------------------------|------------------------------|------------------------|-------------------------|
| 6697. | 139 | 271 | | | | |
| 6697.(Sub) | | | 336 | 336 | 1094 1145,1439 | 1809 C87 |
| 6698. | 140 | 271 | | | | |
| 6698.(Sub) | | | 374 | 375 | 1411,1451 1548,1829 | 1810,2118 PV C128 |
| 6699. | 140 | | | | | |
| 6700. | 140 | 248 | | | | |
| 6700.(Sub) | | | 479 | 479 | 1447 1467,1548 | 1809 C123 |
| 6701. | 140 | 261 | | | | |
| 6701.(Sub) | | | 372 | 373 | 1416 1451,1548 | 1809 C117 |
| 6702. | 140 | | | | | |
| 6703. | 140 | | | | | |
| 6704. | 140 | | | | | |
| 6705. | 140 | | | | | |
| 6706. | 140 | | | | | |
| 6707. | 140 | | | | | |
| 6708. | 141 | | | | | |
| 6709. | 141 | | | | | |
| 6710. | 141 | 271 | | | | |
| 6710.(Sub) | | | 480 | 491 | 1683 | |
| 6711. | 141 | 224 | | | | |
| 6712. | 141 | | | | | |
| 6713. | 150 | 272 | | | | |

| NO. | Intro. & Committee 1st Rdg. Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|---------------------------------------|-----------------------------|------------------------------|---------------------------------|-------------------------|
| 6713.(Sub) | | 471 | 471 | 1417 H Amd FAILED 1419 | |
| 6714. | 150 | | | | |
| 6715. | 150 | | | 183 | |
| 6716. | 150 | | | | |
| 6717. | 150 | | | | |
| 6718. | 150 | | | | |
| 6719. | 150 | | | | |
| 6720. | 150 | 214 | | | |
| 6721. | 151 | | | | |
| 6722. | 151 | | | | |
| 6723. | 151 | | | | |
| 6724. | 151 | 214 | | | |
| 6725. | 151 | | | | |
| 6726. | 151 | 272 | | 289,296 | |
| 6726.(Sub) | | 445 | 447 | 1424 1451,1548 | 1823 C195 |
| 6727. | 151 | 248 | 355 | 1428 1451,1548 | 1821 C163 |
| 6728. | 151 | | | | |
| 6729. | 151 | 240 | | | |
| 6729.(Sub) | | 399 | 399 | 1433,1451 1548,1835 | 1827,2118 PV C230 |
| 6730. | 151 | | | | |
| 6731. | 152 | 261,315 | | | |
| 6731.(2nd Sub) | | 438 | 438 | 1256 1438 | 1831 C262 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 6732. | 152 | 272 | | | 664 | |
| 6733. | 152 | 236,630 | | | | |
| 6733.(2nd Sub) | | | 915 | 915 | | |
| 6734. | 152 | 315 | | | | |
| 6734.(Sub) | | | 434 | 434 | 1683 | |
| 6735. | 152 | 272 | | | 664 | |
| 6736. | 152 | | | | | |
| 6737. | 152 | | | | | |
| 6738. | 152 | 248 | 331 | 331 | 1683 | |
| 6739. | 152 | | | | | |
| 6740. | 152 | 272 | 514 549,552 | 553 | 514,1683 | |
| 6741. | 152 | 224 | 437 | 437 | 166,1448 1467,1548 | 1823 C201 |
| 6742. | 153 | 272 | | | | |
| 6743. | 153 | | | | | |
| 6744. | 153 | | | | | |
| 6745. | 153 | | | | | |
| 6746. | 153 | 236 | 514,539 | 540 | 514,1683 | |
| 6747. | 153 | | | | | |
| 6748. | 153 | | | | | |
| 6749. | 153 | | | | | |
| 6750. | 153 | | | | | |
| 6751. | 153 | 180 | | | | |
| 6752. | 153 | | | | | |
| 6753. | 153 | 249 | | | 558 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------------------|-------------------|
| 6754. | 154 | 225 | 540 | 540 | 1683 | |
| 6755. | 154 | | | | | |
| 6756. | 154 | | | | | |
| 6757. | 154 | | | | | |
| 6758. | 154 | | | | | |
| 6759. | 154 | | | | | |
| 6760. | 154 | | | | | |
| 6761. | 154 | 273 | 335 | 335 | 1683 | |
| 6762. | 154 | | | | | |
| 6763. | 154 | | | | | |
| 6764. | 154 | 273 | | | | |
| 6764.(Sub) | | | 395 | 395 | 1372.1467 1495.1597 | 1868 C290 |
| 6765. | 155 | 249 | | | | |
| 6766. | 155 | | | | | |
| 6767. | 155 | 249,315 | | | | |
| 6767.(2nd Sub) | | | 548 | 549 | 1381.1683 | |
| 6768. | 155 | 240 | 376 | 376 | 1464.1683 | |
| 6769. | 155 | | | | | |
| 6770. | 155 | 240 | | | 558 | |
| 6771. | 155 | 273 | | | | |
| 6771.(Sub) | | | 396,398 | 398 | 396 1330.1465 1495.1597 | 1809 C138 |
| 6772. | 155 | | | | | |
| 6773. | 155 | | | | | |
| 6774. | 174 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend-ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|-------------------|------------------|----------------------|------------------------|--------------------------------|----------------|
| 6775. | 174 | | | | | |
| 6776. | 174 | 241 | | | | |
| 6776.(Sub) | | | 376 | 376 | 1094 1145,1439 1800,2046 | 1823 C166 |
| 6777. | 174 | 261 | 377 | 377 | 1256 1438 | 1809 C97 |
| 6778. | 174 | | | | | |
| 6779. | 175 | 273,316 | | | 289 | |
| 6779.(2nd Sub) | | | 431 | 431 | 1683 | |
| 6780. | 175 | 199,316 | | | | |
| 6780.(2nd Sub) | | | 438 | 438 | 1309 1335,1465 1495,1597 | 1831 C253 |
| 6781. | 175 | | | | | |
| 6782. | 175 | | | | | |
| 6783. | 175 | | | | | |
| 6784. | 175 | | | | | |
| 6785. | 175 | | | | | |
| 6786. | 175 | 241 | 471 | 471 | 1683 | |
| 6787. | 175 | 273 | | | | |
| 6788. | 175 | | | | | |
| 6789. | 175 | 225,316 | | | | |
| 6790. | 176 | | | | | |
| 6791. | 176 | 273 | 385 | 385 | 1683 | |
| 6792. | 176 | 273 | | | | |
| 6792.(Sub) | | | 359 | 359 | 1683 | |
| 6793. | 176 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|------------------------|-------------------|
| 6794. | 176 | | | | | |
| 6795. | 176 | | | | | |
| 6796. | 176 | | | | | |
| 6797. | 176 | 241 | 368 | 369 | 1422,1423 1434,1683 | |
| 6798. | 176 | 274 | | | | |
| 6799. | 176 | 274,631 | | | 183 | |
| 6799.(Sub) | | | 810,1082 | 825,1082 | 825 1083,1549 | |
| 6800. | 177 | | | | | |
| 6801. | 177 | | | | | |
| 6802. | 177 | 241 | 335 | 335 | 1256,1438 | 1821 C164 |
| 6803. | 180 | 635 | | | | |
| 6804. | 180 | 274 | | | 664 | |
| 6805. | 180 | | | | | |
| 6806. | 180 | | | | | |
| 6807. | 180 | 274 | | | | |
| 6808. | 180 | | | | | |
| 6809. | 181 | 274 | | | | |
| 6810. | 181 | | | | 208 | |
| 6811. | 181 | | | | | |
| 6812. | 181 | | | | | |
| 6813. | 200 | 274 | 480 | 480 | 1683 | |
| 6814. | 200 | 261 | | | | |
| 6814.(Sub) | | | 506 | 506 | 1683 | |
| 6815. | 200 | 262 | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6816. | 200 | 274 | 395 | 396 | 1094 1145,1439 | 1823 C185 |
| 6817. | 200 | | | | | |
| 6818. | 200 | | | | | |
| 6819. | 200 | | | | | |
| 6820. | 200 | | | | | |
| 6821. | 200 | | | | | |
| 6822. | 200 | 316 | 415 | 416 | 1452 1467,1548 | 1818 C141 |
| 6823. | 201 | 275 | | | | |
| 6824. | 201 | | | | | |
| 6825. | 201 | | | | | |
| 6826. | 201 | 249 | | | 558 | |
| 6827. | 201 | 262 | | | | |
| 6827.(Sub) | | | 325 | 325 | 1452 1467,1549 | 1831 C260 |
| 6828. | 215 | | | | | |
| 6829. | 215 | | | | | |
| 6830. | 215 | | | | | |
| 6831. | 215 | | | | | |
| 6832. | 215 | 262,316 | 514 | | 276,514 | |
| 6832.(2nd Sub) | | | 535 | 535 | 1094,1149 1439 | 1868 C292 |
| 6833. | 216 | | | | 1439 | |
| 6834. | 216 | 275,316 | 542 | 543 | 1095 1145,1439 | 1823 C187 |
| 6834.(2nd Sub) | | | 542 | | | |
| 6835. | 216 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6836. | 216 | 241 | | | | |
| 6836.(Sub) | | | 440 | 440 | 1683 | |
| 6837. | 216 | 241 | | | | |
| 6838. | 216 | | | | | |
| 6839. | 216 | 275 | 516 | 517 | 1453 1467,1549 | 1868 C277 |
| 6840. | 216 | | | | | |
| 6841. | 216 | 249,738 | | | | |
| 6841.(Sub) | | | 1108 | 1108 | 1683 | |
| 6842. | 216 | 249 | 409 | 409 | 1683 | |
| 6843. | 216 | | | | | |
| 6844. | 217 | | | | | |
| 6845. | 217 | | | | | |
| 6846. | 217 | | | | | |
| 6847. | 217 | | | | | |
| 6848. | 217 | | | | | |
| 6849. | 217 | | | | | |
| 6850. | 217 | | | | | |
| 6851. | 217 | | | | | |
| 6852. | 217 | | | | | |
| 6853. | 217 | | | | | |
| 6854. | 217 | | | | | |
| 6855. | 227 | | | | | |
| 6856. | 227 | | | | | |
| 6857. | 227 | | | | | |
| 6858. | 227 | 275 | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6859. | 227 | 308 | | | | |
| 6859.(Sub) | | | 422 | 422 | 1454 1467.1549 | 1831 C255 |
| 6860. | 236 | | | | | |
| 6861. | 236 | 275 | 407 | 407 | 1683 | |
| 6862. | 236 | 275 | 385 | 386 | 1094 1145.1439 | 1818 C142 |
| 6863. | 242 | | | | | |
| 6864. | 242 | | | | 318 | |
| 6865. | 242 | 275 | | | 558 | |
| 6866. | 242 | 276 | 532 | 532 | 1094 1145.1439 | 1809 C113 |
| 6867. | 242 | | | | | |
| 6868. | 242 | 276 | | | | |
| 6868.(Sub) | | | 393 | 393 | 1461 1495.1597 | 1809 C122 |
| 6869. | 243 | | | | | |
| 6870. | 243 | 262 | | | | |
| 6871. | 243 | | | | | |
| 6872. | 243 | | | | | |
| 6873. | 243 | | | | | |
| 6874. | 243 | 317 | 541 | 541 | 1683 | |
| 6875. | 243 | 276 | | | | |
| 6876. | 243 | | | | | |
| 6877. | 243 | | | | | |
| 6878. | 250 | | | | | |
| 6879. | 250 | | | | | |
| 6880. | 250 | 262 | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|-------------------|
| 6880.(Sub) | | | 337 | 337 | 1467 1495.1597 | 1831 C256 |
| 6881. | 250 | | | | | |
| 6882. | 250 | | | | | |
| 6883. | 251 | | | | | |
| 6884. | 251 | | | | | |
| 6885. | 251 | | | | | |
| 6886. | 251 | | | | | |
| 6887. | 279 | | | | | |
| 6888. | 279 | | | | | |
| 6889. | 279 | | | | | |
| 6890. | 279 | 317 | | | | |
| 6891. | 279 | | | | | |
| 6892. | 279 | | | | | |
| 6893. | 341 | | | | | |
| 6894. | 554 | | | | | |
| 6895. | 554 | | | | | |
| 6896. | 555 | | | | | |
| 6897. | 575 | 643 | 971 | 971 | 1256.1439 | 1868 C293 |
| 6898. | 575 | | | | | |
| 6899. | 641 | | | | | |
| 6900. | 641 | | | | | |
| 6901. | 641 | 726 | | | | |
| 6901.(Sub) | | | 916 | 916 | 1683 | |
| 6902. | 740 | | | | 755 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend-ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|-------|-------------------|------------------|----------------------|------------------------|--------------|----------------|
| 6903. | 740 | | | | | |
| | | | | | 779 | |
| | | | | | 1337,1371 | |
| | | | | | 1394,1441 | |
| | | | 755 | | 1683,1785 | |
| 6904. | 755 | | 779,960 | 961,1691 | 1799,1800 | |
| 6905. | 1585 | | | | | |
| 6906. | 1810 | | 1828,1887 | 1888 | 1903,2020 | 2029 C12E1 |
| 6907. | 1810 | | | | 1829 | |
| 6908. | 1828 | | | | | |
| 6909. | 1828,1839 | | 1839 | 1866 | 1829 | |
| 6910. | 1830,1939 | | 1939 | 1939 | 2024 | |
| 6911. | 1828 | | | | 1829 | |
| 6912. | 1887 | | | | | |
| 6913. | 2028 | | 2029,2036 | 2040 | 2043,2044 | 2105 C1E2 |
| 6914. | 2042 | | | | 2042 | |

HISTORY OF SENATE JOINT MEMORIALS

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action |
|------------|----------------------|---------------------|-----------------------------|------------------------------|------------------------|
| 8003. | | | | 144 | 1256,1439 |
| 8008. | | | | | 558 |
| 8009. | | | 541 | 541 | 1683 |
| 8014.(Sub) | | | | 364 | 1683 |
| 8017. | 62 | 149 | 280 | 281 | 1308,1468 1495,1597 |
| 8018. | 91 | 308 | 531 | 531 | 762,830 |
| 8019. | 106 | 117 | 129,130 | 131 | 381 384,575 |
| 8020. | 128 | | 181 | 182 | 835,926 |
| 8021. | 155 | | | | |
| 8022. | 201 | | 201,233 | 233 | 1683 |
| 8023. | 217 | 241 | 435 | 435 | 1469 1495,1597 |
| 8024. | 218 | | | | |
| 8025. | 227 | 276 | 531 | 531 | 835,926 |
| 8026. | 663 | | | | |
| 8027. | 2042 | | | | 2042,2043 |

HISTORY OF SENATE JOINT RESOLUTIONS

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action |
|---------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------|
| 8212. | | 225,317 | | | 276 |
| | | | | | 511,513 |
| | | | | | 1463,1586 |
| | | | 510 | | 1610,1645 |
| 8212(2nd Sub) | | | 512,544 | 510,545 | 1675,1676 |
| 8215. | | 149 | | | 39 |
| 8221. | | | | | 39 |
| 8227. | | 10 | | | |
| 8228. | | 63 | | | |
| 8229. | | 63 | | | |
| 8230. | | 91 | | | |
| 8231. | 91 | 276 | 327 | 327 | 1683 |
| 8232. | 91 | | | | |
| 8233. | 128 | | | | |
| 8234. | 156 | | | | |
| 8235. | 156 | | | | |
| 8236. | 156 | | | | |
| 8237. | 156 | | | | |
| 8238. | 177 | | | | |
| 8239. | 181 | 317 | | | 664 |
| 8240. | 201 | | | | |
| 8241. | 2029 | | 2029 | | 2043 |

HISTORY OF SENATE CONCURRENT RESOLUTIONS

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend-ments | 3rd Rdg. Final Passage | Other Action |
|------------|-------------------|------------------|----------------------|------------------------|------------------------|
| 8404.(Sub) | | | | | 38 |
| 8409. | | | | | 39 |
| 8428. | 10 | | 10 | 10 | 41,55 |
| 8429. | 92 | 262 | | | 558 |
| 8429.(Sub) | | | 749,1838 | 749,1812 1838,1839 | 1812,1886 1887,1888 |
| 8430. | 92 | | | | |
| 8431. | 141 | | | | |
| 8432. | 156 | | | | |
| 8433. | 243 | 380 | | | |
| 8433.(Sub) | | | 725 | 725 | 1683 |
| 8434. | 251 | | | | |
| 8435. | 251 | | | | |
| 8436. | 741 | | 741,753 | 753 | 1683 |
| 8437. | 926 | | 926 | 926 | 932,1095 |
| 8438. | 1810 | | 1810 | | |
| 8440. | 1495 | | 1495 | 1495 | 1664 1675,1676 |
| 8442. | 1674 | | 1674 | 1674 | 1676 |
| 8444. | 1810 | | 1810,1836 | 1836 | 1906 1940,2020 |
| 8446. | 1810 | | 1810,1812 | 1812 | 1833,1889 |
| 8448. | 1834,1885 | | 1885 | 1885 | 1940 2021,2022 |
| 8449. | 1834,1838 | | 1838 | 1838 | 1887,1903 |

HISTORY OF SENATE FLOOR RESOLUTIONS

| NUMBER, AUTHOR AND SUBJECT | Introduced | Adopted | Other Action |
|--|------------|---------|-----------------|
| 8721. SENATE ORGANIZED/HOUSE NOTIFIED. | | 3 | |
| 8722. SENATE RULES CHANGES. | | 11 | |
| 8723. STUDENTS ACTIVE FOR THE ENVIRONMENT/SHORELINE SCHOOL DISTRICT. | | 63 | |
| 8724. FLOOD DESTRUCTION/FEDERAL AID. | | 86 | |
| 8725. DR. MARTIN LUTHER KING, JR. HONORED. | | 85 | |
| 8727. TROOPER RAY HAWN HONORED. | | 142 | |
| 8728. BENEVOLENT AND PROTECTIVE ORDER OF ELKS HONORED. | | 145 | |
| 8729. GOODWILL GAMES. | | 165 | |
| 8730. BALLOU JR. HIGH SCHOOL HISTORY STU- DENTS HONORED. | | 201 | |
| 8731. NATIONAL GIRLS AND WOMEN SPORTS DAY OBSERVED. | 357 | 359 | 358 |
| 8732. BOY SCOUTS OF AMERICA HONORED. | | 384 | |
| 8734. CAPTAIN WAYNE L. SMALL HONORED. | | 384 | |
| 8735. QUINCY HIGH SCHOOL GIRLS CHOIR HONORED. | | 1374 | |
| 8737. "FOOD BALL" FOOD COLLECTION FOR NEEDY. | | 641 | |
| 8738. AQUACULTURE CURRICULUM. | | 1475 | |
| 8740. COLONEL RONALD G. ZUKUS HONORED. | | 1475 | |
| 8741. MEDAL OF HONOR DAY OBSERVED. | | 1664 | |
| 8742. EARTH DAY OBSERVED. | | 1815 | |
| 8743. U.S. FLAG/REQUEST CONSTITUTIONAL AMENDMENT | 754 | | 927 |
| 8744. DR. SHIRLEY GORDON HONORED. | | 1551 | |
| 8745. U.S. FLAG/SUPPORT CONSTITUTIONAL AMENDMENT. | 927 | 928 | 927 |
| 8746. HANS GEORG DEHMELT HONORED. | | 1106 | |
| 8748. SOUTH AFRICAN GOVERNMENT. | | 1837 | |
| 8749. REPRESENTATIVE GLYN CHANDLER HON- ORED. | | 951 | |
| 8750. U.S. FLAG WORN ON UNIFORMS. | | 1546 | |
| 8752. WHISTLEBLOWER ACT/STUDY. | | 1900 | |
| 8753. DERRIKE COPE HONORED. | | 1553 | |

| NUMBER, AUTHOR AND SUBJECT | Introduced | Adopted | Other Action |
|--|------------|---------|-----------------|
| 8754. WHIDBEY GENERAL HOSPITAL 20TH ANNI- VERSARY RECOGNIZED. | | 1610 | |
| 8755. ENCOURAGING OPEN ELECTIONS IN THE WORLD. | 1901 | 1902 | 1902 |
| 8757. DR. BONNIE DUNBAR HONORED. | | 1550 | |
| 8759. U.S. CUSTOMS OFFICERS/INCREASE. | | 1552 | |
| 8763. SKAGIT VALLEY TULIP FESTIVAL. | | 1609 | |
| 8764. SENATE MURALS/CENTRALIA COLLEGE. | | 1665 | |
| 8765. CALLER I.D./PUBLIC HEARINGS/INPUT. | | 1812 | |
| 8766. MENTAL HEALTH PROFESSIONALS/STUDY. | | 1837 | |
| 8768. DAUGHTERS OF THE AMERICAN REVOLU- TION HONORED. | | 1805 | |
| 8769. SHADEL PARK BOYS BASKETBALL TEAM HONORED. | | 1814 | |
| 8770. MEAD HIGH SCHOOL GIRLS BASKETBALL TEAM HONORED. | | 1814 | |
| 8771. U.W. WOMEN'S BASKETBALL TEAM HON- ORED. | | 1811 | |
| 8772. SEATTLE THUNDERBIRDS HONORED. | | 1816 | |
| 8773. FEDERAL WAY HIGH SCHOOL SPEECH TEAM HONORED. | | 1818 | |
| 8775. SNOHOMISH HIGH SCHOOL MARCHING BAND HONORED. | | 1829 | |
| 8776. WASHINGTON SCHOLARS PROGRAM REC- OGNIZED. | | 1835 | |
| 8778. CONSTRUCTION LIENS/STUDY. | | 1905 | |
| 8779. WASHINGTON STATE UNIVERSITY 100TH ANNIVERSARY. | | 1884 | |
| 8780. DR. GIOVANNI COSTIGAN HONORED. | | 1886 | |
| 8781. CABLE TV COMPETITION. | | 1901 | |
| 8782. PNW PHYSICAL FITNESS DAY. | | 1899 | |
| 8783. EDMONDS CC BRANCH/JAPAN. | | 1905 | |
| 8785. NO-FAULT INSURANCE/STUDY. | 1898 | 1898 | 1898 |
| 8786. ELECTRONIC DATA EXCHANGE TASK FORCE/STUDY. | | 1899 | |
| 8787. HOUSING SALES/TAX EXEMPTION ALLOWANCE/STUDY. | | 2043 | |

HISTORY OF HOUSE BILLS

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|--|-------------------|
| 1035. | 82 | 562 | | | 68 1549.1677 | |
| 1055. | 566 | 648 | 749 | 749 | 566 1283.1330 | C45 |
| 1109. | 381 | | | | 380.1677 | |
| 1174.(2nd Sub) | 92 | | | | 87.1677 | |
| 1175. | 92 | | | | 87.1677 | |
| 1176. | 107 | 756 | | | 98 1549.1677 | |
| 1223. | 107 | 562 | | | 98 1549.1677 | |
| 1226. | 107 | 562 | | | 98.1677 | |
| 1237.(Sub) | 107 | 727.756 | | | 98 1549.1677 | |
| 1257.(Sub) | 107 | | | | 98.1677 | |
| 1264.(Sub) | 83 | 562 | 746 | 746 | 68 1283.1331 | C99 |
| 1280.(Sub) | 341 | 656 | | | 340 1549.1677 | |
| 1291.(2nd Sub) | 411 | | | | 410.1677 | |
| 1293.(2nd Sub) | 458 | | | | 457.1677 | |
| 1307. | 83 | 117 | 1070 1082.1100 | 1101 | 68.1072 1082.1426 1477.1589 1596.1674 | C283 |
| 1323. | 83 | 738 | 785 | 788 | 68.1323 1596.1603 | C192 |
| 1328. | 83 | | | | 68.1677 | |
| 1343. | 83 | | | | 68.1677 | |
| 1366.(2nd Sub) | 411 | | | | 410.1677 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 1375.(Sub) | 279 | 727 | | | 278 1549,1677 | |
| 1394.(Sub) | 567 | 643 | 749 | 749 | 566 1283,1331 | C39 |
| 1405.(2nd Sub) | 279 | | | | 278,1677 | |
| 1433. | 83 | 562 | | | 68 1549,1677 | |
| 1450.(Sub) | 141 | 644 | 1012 | 1014 | 137,1457 1674,1675 | C102 |
| 1465.(Sub) | 341 | 644 | | | 340,1677 | |
| 1475.(Sub) | 141 | | | | 137,1677 | |
| 1491. | 280 | 563 | 667 | 667 | 278 1282,1330 | PV C156 |
| 1492.(Sub) | 458 | 648 | | | 456,1677 | |
| 1505. | 83 | | | | 68,1677 | |
| 1521.(Sub) | 341 | | | | 340,1677 | |
| 1523. | 181 | 635 | 746 | 746 | 180 1283,1331 | C46 |
| 1557.(Sub) | 83 | 727 | | | 68,1677 | |
| 1565.(Sub) | 156 | 727 | 1162 | 1162 | 150,1474 | C175 |
| 1570. | 141 | 563 | | | 137 1549,1677 | |
| 1571. | 141 | 631 | 747 | 747 | 137 1283,1331 | C40 |
| 1577.(Sub) | 142 | 631 | | | 137 1549,1677 | |
| 1579. | 342 | 756 | | | 340,1677 | |
| 1596. | 142 | 644 | | | 137 1549,1677 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|----------------------------------|-------------------|
| 1597.(Sub) | 458 | 727 | 1187 | 1188 | 457,1435 1596,1603 | C223 |
| 1623. | 84 | 563 | | | 68 1549,1677 | |
| 1624.(2nd Sub) | 458 | 656 | | | 457,1677 | |
| 1646. | 84 | | | | 68,1677 | |
| 1653.(2nd Sub) | 458 | 727 | 1166 | 1166 | 457,1474 | C211 |
| 1661.(Sub) | 92 | | | | 87,1677 | |
| 1663.(2nd Sub) | 458 | | | | 456,1677 | |
| 1669.(Sub) | 142 | 631 | | | 137 1549,1677 | |
| 1682. | 92 | 635 | | | 87,1677 | |
| 1703. | 142 | 563 | 744 | 744 | 137 1283,1331 | C30 |
| 1715. | 142 | | | | 137,1677 | |
| 1724. | 458 | 644 | 953 | 953 | 456,1370 1596,1603 | C233 |
| 1746.(Sub) | 156 | 635 | | | 150,1677 | |
| 1747. | 156 | 563 | | | 150,1677 | |
| 1765.(Sub) | 458 | 656 | | | 456,1677 | |
| 1797.(Sub) | 92 | 720 | | | 87,1677 | |
| 1824.(Sub) | 459 | 721,756 | 917 | 917 | 456,1370 1597,1604 | C88 |
| 1825.(Sub) | 244 | 1092 | 1093,1293 | 1307 | 242,1457 1597,1604 | PV C43 |
| 1836. | 181 | | | | 180,1677 | |
| 1881. | 218 | 573 | 750 | 750 | 215 1283,1331 | C38 |
| 1890. | 92 | 648 | 997,1015 1466 | 1015 1466 | 87,998 1015,1466 1586,1674 | C126 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|------------------------------------|-------------------|
| 1911.(2nd Sub) | 342 | 727 | | | 340 1549,1677 | |
| 1941.(Sub) | 156 | 648 | | | 150,1677 | |
| 1950. | 156 | 563 | | | 150,1677 | |
| 1957. | 157 | 573 | 953 | 953 | 150,1474 | C78 |
| 1978.(2nd Sub) | 567 | 648 | | | 566 1549,1677 | |
| 1979.(Sub) | 157 | | | | 150,1677 | |
| 2023.(2nd Sub) | 567 | 728 | | | 566,1677 | |
| 2030.(Sub) | 218 | | | | 215,1677 | |
| 2032. | 381 | 635 | 745 | 745 | 380 1283,1331 | C32 |
| 2035. | 92 | | | | 87,1677 | |
| 2059.(Sub) | 459 | 656 | | | 457 1549,1677 | |
| 2072.(Sub) | 555 | | | | 554,1677 | |
| 2077.(2nd Sub) | 411 | 644,756 | 1087 | 1088 | 410,754 1458,1606 | C280 |
| 2122.(2nd Sub) | 411 | 728,756 | 1178 | 1186 | 410,1431 1545,1586 1674,1675 | C246 |
| 2154.(2nd Sub) | 520 | 756 | | | 519 1549,1677 | |
| 2198.(Sub) | 84 | 118,149 | 184 | 189,202 | 68 183,189 242,254 | C2 |
| 2208.(2nd Sub) | 520 | 657 | | | 519 1549,1677 | |
| 2216. | 280 | | | | 278,1677 | |
| 2230.(Sub) | 1887 | | 1887 1902 | 1902 | 1886 2020,2021 | C11E1 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 2237. | 181 | 657 | | | 180.1677 | |
| 2251.(Sub) | 520 | | | | 519.1677 | |
| 2252.(Sub) | 411 | 1093 | | | 410.1677 | |
| 2253. | 342 | 657 | 935 | 935 | 340 1596.1603 | C149 |
| 2260. | 280 | 636 | 750 | 750 | 278 1283.1331 | C104 |
| 2261. | 342 | 728 | | | 340.1677 | |
| 2262. | 520 | 563 | 666 | 666 | 519 1282.1330 | C41 |
| 2264. | 291 | | | | 291.1677 | |
| 2265. | 342 | 644 | 751 | 751 | 340 1283.1331 | C77 |
| 2266. | 342 | | | | 340.1677 | |
| 2267.(Sub) | 520 | | | | 519.1677 | |
| 2270.(2nd Sub) | 459 | | | | 457 572.1678 | |
| 2271. | 381 | | | | 380.1678 | |
| 2272. | 342 | 728 | 935 | 935 | 340.1370 1596.1603 | C169 |
| 2273. | 218 | | | | 215.1678 | |
| 2276. | 142 | 644 | 751 | 751 | 137 1283.1331 | C33 |
| 2277.(Sub) | 218 | 721 | | | 215 1549.1678 | |
| 2279.(Sub) | 342 | 728 | | | 340 1549.1678 | |
| 2288. | 291 | 757 | 1095 | 1095 | 291.1606 | C129 |
| 2289. | 342 | 728 | 1136 | 1137 | 340.1474 | C71 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|----------------------------------|-------------------|
| 2290. | 343 | 657 | 843 915,918 | 918 | 340,845 915,1370 1596,1603 | C63 |
| 2291. | 343 | 649 | 1090 | 1090 | 340 1596,1603 | C61 |
| 2292. | 218 | 639 | 752 | 752 | 215 1283,1331 | C34 |
| 2293.(Sub) | 218 | 639 | 752 | 752 | 215 1283,1331 | C35 |
| 2294. | 218 | 639 | 763 | 763 | 215 1282,1330 | C36 |
| 2295. | 459 | 657 | | | 456,1678 | |
| 2296.(Sub) | 343 | 657 | 809 | 809 | 340,1435 1596,1603 | C124 |
| 2297. | 218 | 649 | | | 215,1678 | |
| 2299. | 343 | 640 | 1067 | 1068 | 340 1374,1458 1674,1675 | C221 |
| 2300. | 343 | 649 | | | 340 1549,1678 | |
| 2303. | 291 | | | | 291,1678 | |
| 2306. | 343 | 636 | 1151 | 1151 | 340,1474 | C140 |
| 2310. | 459 | 649 | 837 | 837 | 456 1440,1452 | C47 |
| 2311. | 343 | 738 | | | 340 1549,1678 | |
| 2312. | 219 | 757 | 1103 | 1104 | 215 1458,1606 | C106 |
| 2315.(Sub) | 459 | 649 | | | 456,1678 | |
| 2320.(Sub) | 343 | 636 | | | 340 1549,1678 | |
| 2323.(2nd Sub) | 459 | | | | 456,1678 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 2327.(Sub) | 567 | 728 | 971 | 977 | 565,1458 1597,1604 | C297 |
| 2330. | 411 | 649 | 763 | 764 | 410 1282,1330 | C234 |
| 2331. | 459 | 657 | 919 | 919 | 456 1440,1452 | C90 |
| 2333. | 567 | 645 | | | 566 1549,1678 | |
| 2334. | 459 | | | | 456,1678 | |
| 2335. | 460 | 649 | 764 | 764 | 456 1282,1330 | C92 |
| 2336.(Sub) | 411 | 658 | 1014 | 1014 | 410,1370 1596,1603 | C244 |
| 2337.(Sub) | 343 | 636 | 745 | 745 | 340 1283,1331 | C98 |
| 2338. | 460 | | | | 457,1678 | |
| 2339.(Sub) | 219 | | | | 215,1678 | |
| 2340. | 567 | | | | 566,1678 | |
| 2341. | 521 | 729 | | | 520 1549,1678 | |
| 2342.(Sub) | 460 | 729 | 1015 | 1024 | 456,1370 1596,1602 | PV C177 |
| 2343. | 460 | 739 | 1144 | 1144 | 456,1474 | C67 |
| 2344.(Sub) | 343 | 739 | 1144 | 1144 | 340,1474 | C69 |
| 2345. | 345 | 739 | 1145 | 1145 | 340,1474 | C214 |
| 2346. | 521 | | | | 520,1678 | |
| 2348.(2nd Sub) | 521 | 729 | | | 520,1678 | |
| 2349.(Sub) | 381 | 729 | | | 380 1549,1678 | |
| 2353. | 460 | | | | 457,1678 | |
| 2355. | 381 | 645 | | | 380,1678 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|---|-------------------|
| 2359.(2nd Sub) | 460 | 729 | | | 456,1678 | |
| 2361.(Sub) | 164 | | 164 | 164 | 164,183 | C1 |
| 2362. | 567 | 729,757 | 936 | 936 | 566 1596,1603 | C204 |
| 2373. | 460 | 739 | 1089 | 1089 | 456,1458 1597,1604 | C220 |
| 2375.(Sub) | 460 | 658 | 845 | 845 | 456 1370,1474 | C148 |
| 2376. | 344 | | | | 340,1678 | |
| 2378.(Sub) | 460 | 729,757 | 1067 1081 | 1082 | 457,1067 1463,1492 1590,1612 1674,1675 | C159 |
| 2379.(2nd Sub) | 460,1690 1871 | | 1871 | 1877 | 456,1678 1689,1887 1888,1890 | PV C9E1 |
| 2385.(Sub) | 521 | 658 | 1095 1100 | 1100 | 519,1097 1596,1603 | C151 |
| 2386. | 344 | 645 | 831 | 831 | 340,1474 | C198 |
| 2387. | 555 | | | | 554,1678 | |
| 2389. | 461 | 640 | | | 457,1678 | |
| 2390.(Sub) | 567 | 650 | 963 | 970 | 565,1435 1597,1604 | C114 |
| 2394. | 344 | | | | 340,1678 | |
| 2395. | 521 | 645,1163 | 1164 | 1165 | 519,1458 1674,1675 | C207 |
| 2399. | 521 | | | | 520,1678 | |
| 2401. | 521 | | | | 520,1678 | |
| 2402.(Sub) | 344 | | | | 341,1678 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|--|-------------------|
| 2403.(Sub) | 461 | 730,757 | 938,944 | 949 | 457 938,1426 1547,1593 1674,1675 | PV C208 |
| 2404. | 381 | 658 | | | 380 1549,1678 | |
| 2405.(2nd Sub) | 461 | 658 | | | 456,1678 | |
| 2406. | 461 | 730 | | | 456 1549,1678 | |
| 2409.(Sub) | 344 | 650 | | | 341 1549,1678 | |
| 2410. | 461 | 573 | 744 | 744 | 457 1283,1331 | C25 |
| 2411. | 344 | 721 | 1097 | 1099 | 341,1458 1597,1604 | PV C222 |
| 2413. | 555 | 721,757 | 920 | 920 | 554,1446 1551,1586 1674,1675 | C286 |
| 2414. | 567 | | | | 565,1678 | |
| 2416.(Sub) | 344,1690 | 730 | 1690,1711 | 1711 | 341 1549,1678 1689,1804 | C3E1 |
| 2417. | 344 | 730 | | | 341 1549,1678 | |
| 2421.(Sub) | 461 | 650 | 789 1456 | 791 1457 | 457 1456,1586 1674,1675 | C231 |
| 2423.(Sub) | 633 | | | | 633,1678 | |
| 2424. | 344 | 739 | | | 341 1549,1678 | |
| 2425. | 567 | 730 | | | 565 1549,1678 | |
| 2426.(Sub) | 521 | 658 | 936 | 936 | 519 1337,1479 1594,1631 1674,1675 | C245 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|--|-------------------|
| 2429. | 555 | 640 | 1091 | 1091 | 554 1596,1604 | C235 |
| 2430.(Sub) | 345 | 636 | 1149 | 1150 | 341 1426,1485 1595,1631 1674,1675 | C239 |
| 2432. | 411 | | | | 410,1678 | |
| 2435. | 521 | | | | 519,1678 | |
| 2436.(Sub) | 461 | | | | 457,1678 | |
| 2438. | 522 | 650 | 832 | 832 | 520 1440,1452 | C68 |
| 2441. | 522 | 650 | 921 | 921 | 520 1440,1452 | C86 |
| 2443.(2nd Sub) | 461 | 650,758 | 1160 | 1161 | 456,1458 1674,1675 | PV C282 |
| 2444. | 345 | 573 | | | 341 1549,1678 | |
| 2445. | 219 | 659 | 1102 | 1103 | 215,1476 | C174 |
| 2446.(Sub) | 345 | 659 | | | 341 1549,1678 | |
| 2451.(Sub) | 412 | | | | 410,1678 | |
| 2452.(Sub) | 568 | | | | 566,1678 | |
| 2455.(Sub) | 522 | 739 | | | 519 1549,1678 | |
| 2456. | 345 | | | | 340,1678 | |
| 2457.(Sub) | 412 | 659 | 841 | 841 | 410 1440,1452 | C70 |
| 2459.(Sub) | 381 | | | | 380,1678 | |
| 2460. | 345 | 651 | | | 340 1549,1678 | |
| 2461. | 522 | 651 | 832 | 832 | 520 1440,1452 | C94 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 2463.(Sub) | 462 | 651 | 1191 | 1191 | 457,1435 1597,1604 | C232 |
| 2465. | 412 | | | | 410,1678 | |
| 2466. | 382 | | | | 380,1678 | |
| 2467.(Sub) | 382 | 651 | | | 380 1549,1678 | |
| 2469. | 345 | 574 | 832 | 833 | 341 1440,1452 | C160 |
| 2470. | 462 | | | | 457,1678 | |
| 2471.(2nd Sub) | 555 | 730 | | | 554,1678 | |
| 2472. | 345 | 636 | | | 341,1678 | |
| 2473. | 555 | 645 | 831 | 831 | 554 1440,1452 | C194 |
| 2475. | 462 | 651 | 1084 | 1084 | 456 1474,1606 | C242 |
| 2476.(Sub) | 522 | 758 | 1159 | 1159 | 519,1474 | C205 |
| 2482.(Sub) | 568 | 651 | 825 | 828 | 566,932 1440,1452 | C115 |
| 2485. | 555 | 731 | 937 | 937 | 554 1596,1604 | C209 |
| 2488. | 522 | | | | 519,1678 | |
| 2489. | 555 | | | | 554,1679 | |
| 2492. | 345 | 636 | 970 | 970 | 341,1474 | C182 |
| 2494.(2nd Sub) | 568 | 721,758 | 977 | 989 | 566,755 1474,1606 | C116 |
| 2495. | 568 | | | | 566,1679 | |
| 2497. | 345 | 731 | | | 341 1549,1679 | |
| 2499. | 346 | 731 | | | 341,1679 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 2502. | 346 | 731 | | | 341 1549,1679 | |
| 2503. | 568 | 740 | 1118 | 1118 | 566,1370 1596,1603 | C80 |
| 2508. | 346 | 731 | | | 341 1549,1679 | |
| 2510. | 346 | | | | 340,1679 | |
| 2513.(Sub) | 462 | 640 | 833 | 833 | 456 1440,1452 | C66 |
| 2514. | 346 | 651 | | | 340,1679 | |
| 2515.(Sub) | 462 | 731 | | | 457 1549,1679 | |
| 2516.(Sub) | 462 | | | | 456,1679 | |
| 2517.(Sub) | 462 | 731 | | | 456,1679 | |
| 2524.(Sub) | 462 | 652 | 834 | 834 | 457 1440,1452 | C83 |
| 2525. | 291 | 631 | 1154 | 1155 | 291,1435 1596,1604 | C118 |
| 2526. | 346 | 732 | 1155 | 1156 | 341,1435 1596,1604 | PV C247 |
| 2527. | 346 | 632 | 834 | 834 | 341 1440,1452 | C48 |
| 2531.(Sub) | 556 | 574 | | | 554 1549,1679 | |
| 2533.(Sub) | 462 | 732 | | | 456,1679 | |
| 2536.(Sub) | 463 | 659 | | | 456 1549,1679 | |
| 2537. | 346 | | | | 341,1679 | |
| 2539.(Sub) | 463 | 637 | | | 457 1549,1679 | |
| 2542. | 412 | 659 | 1066 1076 | 1066 1080 | 410,1076 1596,1603 | C248 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------------------|-------------------|
| 2543.(2nd Sub) | 463 | 732 | | | 456.1679 | |
| 2544.(Sub) | 568 | 732 | | | 566.1679 | |
| 2546. | 346 | 721 | 998 | 1000 | 341,1370 1596,1603 | C170 |
| 2550. | 346 | 637 | | | 341 1550,1679 | |
| 2551.(Sub) | 382 | | | | 380,1679 | |
| 2555. | 346 | 574 | 1162,1189 | 1190 | 341 1163,1574 1674,1675 | C197 |
| 2560. | 463 | 659 | | | 456 1550,1679 | |
| 2561. | 347 | 519 | 834 | 835 | 341 1440,1452 | C227 |
| 2562. | 347 | 563 | 835 | 836 | 341,455 1440,1452 | C52 |
| 2566.(Sub) | 412 | | | | 410,1679 | |
| 2567. | 463 | 758 | 1118 1154 | 1154 | 456 633,1125 1458,1606 | C60 |
| 2569.(Sub) | 382 | | | | 380,1679 | |
| 2570.(Sub) | 568 | 659 | | | 566,1679 | |
| 2571. | 568 | 732 | | | 566,1679 | |
| 2575. | 569 | | | | 566,1679 | |
| 2576.(Sub) | 347 | 652 | 1089 | 1089 | 341,1370 1597,1603 | C84 |
| 2577. | 569 | 660 | | | 566,1679 | |
| 2578.(Sub) | 569 | | | | 566,1679 | |
| 2583.(Sub) | 382 | 732 | | | 380,1679 | |
| 2584.(Sub) | 463 | 732 | 1085 | 1085 | 456 1596,1602 | C251 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|---|-------------------|
| 2587.(Sub) | 463 | 645 | 836 | 836 | 457,572 1440,1452 | VETOED |
| 2591.(Sub) | 347 | 645 | | | 341 1550,1679 | |
| 2593.(Sub) | 463 | 646,758 | | | 456,1679 | |
| 2601.(Sub) | 412 | | | | 410,1679 | |
| 2602. | 463 | 646,758 | 992 | 997 | 457 1463,1496 1599,1600 1604,1631 1674,1675 | PV C285 |
| 2603.(Sub) | 412 | 652,759 | 989 | 992 | 410 1375,1488 1600,1631 1674,1675 | PV C296 |
| 2606. | 413 | 733 | | | 410 1550,1679 | |
| 2608. | 291 | 637 | | | 291 1550,1679 | |
| 2609.(Sub) | 347 | 733 | 954 | 960 | 341 755,1370 1596,1603 | C64 |
| 2610.(Sub) | 569 | 660 | | | 566,1679 | |
| 2615. | 522 | 733 | | | 519 1550,1679 | |
| 2617. | 413 | 721 | | | 410 1550,1679 | |
| 2618. | 464 | 646 | | | 456 1550,1679 | |
| 2622. | 382 | | | | 380,1679 | |
| 2624.(2nd Sub) | 569 | | | | 566 633,1679 | |
| 2626. | 556 | 733 | 921 | | 554,923 1550,1679 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------------------|-------------------|
| 2630.(Sub) | 569 | 733 | | | 566 1550,1679 | |
| 2633. | 522 | 563 | 836 | 836 | 520 1440,1452 | C228 |
| 2636. | 464 | 722 | | | 456 1550,1679 | |
| 2638. | 413 | | | | 410,1679 | |
| 2641. | 464 | 733 | | | 456,1679 | |
| 2642.(Sub) | 413 | | | | 410,1679 | |
| 2643.(Sub) | 413 | 740 | 792 | 809 | 410,1455 1674,1675 | C249 |
| 2644.(Sub) | 522 | 740 | 1000,1025 | 1029 | 519 1012,1371 1596,1604 | C274 |
| 2649.(Sub) | 569 | 733 | | | 566,1679 | |
| 2651.(Sub) | 382 | | | | 380,1679 | |
| 2653.(Sub) | 464 | 652,759 | | | 457 1550,1679 | |
| 2654. | 464 | 734 | | | 457 1550,1679 | |
| 2655. | 382 | 652 | 1130 | 1134 | 381,1435 1597,1604 | C139 |
| 2661. | 464 | | | | 457,1679 | |
| 2663. | 382 | 640 | | | 381 1550,1679 | |
| 2667. | 569,1712 | 722 | 1712,1713 | 1713 | 566 1550,1679 1712,1804 | C1E1 |
| 2687. | 464 | 637 | | | 457 1550,1679 | |
| 2689. | 522 | | | | 520,1679 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-------------------------------|-------------------|
| 2694. | 382,1690 | 646 | 1690,1711 | 1711 | 381 1550,1694 1690,1804 | C4E1 |
| 2695. | 413 | 734 | | | 410,1679 | |
| 2698. | 523 | | | | 520,1679 | |
| 2705. | 464 | 640 | 837 | 837 | 457,1474 | C49 |
| 2706.(Sub) | 465 | 734 | 1069 | 1070 | 457,1371 1596,1604 | PV C278 |
| 2707. | 465 | 734,759 | | | 457 1550,1679 | |
| 2708.(Sub) | 523 | 637 | 838 | 838 | 519 1440,1452 | C107 |
| 2709.(Sub) | 556 | 652 | 842 | 842 | 554,1458 1597,1604 | PV C257 |
| 2714. | 347 | 652 | 1125 | 1126 | 341 1596,1603 | C263 |
| 2715. | 523 | 660 | | 520,1679 | | |
| 2716. | 556 | 722 | 1092 | 1092 | 554,1371 1597,1604 | |
| 2719. | 465 | 660 | | | 457 1550,1679 | |
| 2722. | 465 | 653 | | | 457 1550,1680 | |
| 2726.(Sub) | 523 | 653 | 838 | 839 | 519 572,1495 1674,1675 | C254 |
| 2728.(Sub) | 465 | | | | 457,1680 | |
| 2729. | 1834 | | 1834 | | 1833 | |
| 2739. | 465 | 653 | | | 457,1680 | |
| 2742.(Sub) | 413 | | | | 410,1680 | |
| 2745. | 570 | | | | 566,1680 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 2746. | 465 | 734 | 1101 | 1101 | 457 1371.1474 | VETOED |
| 2752.(Sub) | 465 | 734 | 1102 | 1102 | 457.1371 1474.1475 | C155 |
| 2753. | 465 | 653 | 839 | 839 | 457 1440.1452 | C108 |
| 2761. | 465 | 735 | 923 | 924 | 457.1371 1474.1475 | VETOED |
| 2763. | 556 | | | | 554.1680 | |
| 2772.(Sub) | 523 | | | | 520.1680 | |
| 2774.(2nd Sub) | 556 | 735 | | | 554 1550.1680 | |
| 2775. | 383 | 653.759 | 1146 | 1147 | 381.1458 1674.1675 | C184 |
| 2777. | 413 | | | | 410 572.1680 | |
| 2780.(Sub) | 570 | 735 | | | 566.1680 | |
| 2783.(Sub) | 523 | | | | 519.1680 | |
| 2788. | 383 | | | | 381.1680 | |
| 2789.(Sub) | 347 | | | | 341.1680 | |
| 2792.(Sub) | 570 | 660 | 1085 | 1085 | 566 1596.1604 | PV C147 |
| 2796. | 570 | 660 | | | 566.1680 | |
| 2797. | 347 | 735 | 1188 | 1189 | 341 1474.1475 | PV C59 |
| 2801.(Sub) | 466 | 637.735 | 1086 | 1087 | 457 1458.1606 | C190 |
| 2802. | 466 | 632.759 | 1156 | 1158 | 457.1458 1597.1604 | C206 |
| 2803. | 466 | | | | 457.1680 | |
| 2808. | 523 | 660 | 1135 | 1135 | 520.1455 1674.1675 | C191 |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------------|-------------------|
| 2809.(Sub) | 556 | 735 | 962 | 962 | 554 1370.1606 | C150 |
| 2810. | 466 | | | | 457.1680 | |
| 2819.(Sub) | 523 | 661 | | | 519.1680 | |
| 2823. | 556 | | | | 554.1680 | |
| 2827.(Sub) | 523 | | | | 519.1680 | |
| 2831.(Sub) | 556 | 653.759 | 924 | 926 | 554.1371 1597.1604 | PV C287 |
| 2832. | 347 | 632 | 1137 | 1137 | 340.1435 1597.1604 | C261 |
| 2833.(Sub) | 654 | | | | 654.1680 | |
| 2840. | 524 | 646 | 950 | 950 | 519 1596.1603 | C266 |
| 2842. | 466 | 722 | 789 | 789 | 457 1282.1330 | C24 |
| 2850. | 557 | 735 | 810 | 810 | 554 1282.1330 | C53 |
| 2854.(Sub) | 383 | 736 | 1158 | 1159 | 381.1458 1596.1604 | C279 |
| 2855. | 570 | 653 | 839 | 840 | 566 1474.1475 | C215 |
| 2857.(Sub) | 570 | | | | 566.1680 | |
| 2858.(Sub) | 466 | 661 | 1107 | 1107 | 457 1597.1603 | C125 |
| 2859. | 570 | 654 | 789 | 789 | 566 1283.1330 | C252 |
| 2861.(Sub) | 466 | 661 | 937 | 937 | 457.1371 1597.1603 | PV C176 |
| 2868. | 570 | 654 | 1090 | 1090 | 566 1596.1604 | C62 |
| 2879.(Sub) | 466 | | | | 457.1680 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|---|-------------------|
| 2882. | 557 | 646 | 950 | 950 | 554 1597,1603 | C265 |
| 2887.(Sub) | 524 | 637 | | | 520,1680 | |
| 2888. | 570,1712 | 638 | 765,778 1712,1713 | 778 1713 | 566,1375 1575,1610 1646,1665 1712,1804 | PV C2E1 |
| 2890. | 524 | | | | 520,1680 | |
| 2892.(Sub) | 570 | | | | 566,1680 | |
| 2901. | 467 | 736,760 | 1072 1080 | 1076 1081 | 457,755 1080,1371 1597,1604 | C51 |
| 2906.(Sub) | 467 | 661,760 | 1138 | 1143 | 457 572,1435 1596,1604 | C213 |
| 2907.(Sub) | 467 | 736,760 | 1126 | 1130 | 457 1474,1606 | C171 |
| 2910.(2nd Sub) | 413 | | | | 410,1680 | |
| 2911. | 383 | 736 | 1186 | 1187 | 381,1458 1597,1604 | VETOED |
| 2912. | 570 | | | | 566,1680 | |
| 2914.(Sub) | 571 | | | | 566,1680 | |
| 2915.(Sub) | 524 | 722 | | | 519 1550,1680 | |
| 2916.(Sub) | 467 | | | | 457,1680 | |
| 2917.(Sub) | 571 | 661 | 1112 | 1117 | 566,1458 1596,1604 | C196 |
| 2921.(Sub) | 524 | | | | 520,1680 | |
| 2924. | 467,661 | | | | 457,1680 | |
| 2925.(Sub) | 414 | | | | 410,1680 | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------|-------------------|
| | | | | | 575 | |
| | | | | | 1135.1188 | |
| | | | | | 1336.1680 | |
| | | | 1191 | | 1690.1714 | |
| | | | 1199 | | 1906.1938 | |
| | | | 1690 | 1253 | 1941.2021 | PV |
| 2929.(Sub) | 575.1690 | 938 | 1692 | 1710 | 2022.2023 | C17E1 |
| | | | | | 554.1374 | |
| | | | | | 1441.1491 | |
| | | | | | 1601.1631 | |
| 2932.(Sub) | 557 | 654 | 782 | 785 | 1674.1675 | C295 |
| | | | | | 520 | |
| 2933.(Sub) | 524 | 638 | 747 | 747 | 1283.1331 | C26 |
| | | | | | 457 | |
| 2935.(Sub) | 467 | 736 | 1160 | 1160 | 1597.1604 | C259 |
| | | | | | 566 | |
| 2937. | 571 | 736 | | | 1550.1680 | |
| | | | | | 633.1474 | PV |
| 2939. | 633 | 736.760 | 1104 | 1105 | 1674.1675 | C302 |
| | | | | | 554.1371 | |
| 2940.(Sub) | 557 | 646 | 781 | 781 | 1474.1475 | VETOED |
| | | | | | 566 | PV |
| 2942. | 571 | 640 | 841 | 841 | 1440.1452 | C91 |
| | | | | | 520.1680 | |
| 2952.(Sub) | 524 | | | | | |
| | | | | | 566 | |
| 2955.(Sub) | 571 | 737 | | | 1550.1680 | |
| | | | | | 520 | |
| 2956.(Sub) | 524 | 632 | 764 | 765 | 1282.1330 | C21 |
| | | | | | 457.1371 | |
| 2959. | 467 | 737 | 933 | 933 | 1474.1475 | C74 |
| | | | | | 1437.1549 | |
| | | | 1437.1712 | | 1680.1712 | |
| 2964.(Sub) | 1437.1712 | | 1943 | 1947 | 2022.2023 | C15E1 |
| | | | | | 566 | |
| 2971.(Sub) | 571 | 722 | | | 1550.1680 | |
| | | | | | 566.1680 | |
| 2979.(Sub) | 571 | | | | | |

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action | Action by Gov. |
|----------------|----------------------|---------------------|-----------------------------|------------------------------|--------------------------------|-------------------|
| 2986.(2nd Sub) | 524 | 760 | 1108,1148 | 1148 | 520,1112 1474,1475 | PV C275 |
| 2988. | 571 | 740 | 1067 | 1067 | 566 1606,1607 | C181 |
| 2989. | 524 | 654 | 951 | 951 | 520,1371 1474,1475 | C109 |
| 2992.(Sub) | 467 | 737 | | | 457 1550,1680 | |
| 2996.(Sub) | 467 | 760 | | | 457 1550,1680 | |
| 2997. | 467 | 654 | | | 457 1550,1680 | |
| 2998. | 468 | 661 | | | 457 1550,1680 | |
| 2999.(Sub) | 571 | 721,761 | 934 | 934 | 566 1606,1607 | C135 |
| 3000.(Sub) | 383 | | | | 381,1680 | |
| 3001.(Sub) | 468 | 737 | 1166 | 1173 | 457,1435 1597,1604 | C119 |
| 3002.(Sub) | 468 | 737 | 1173 | 1178 | 458,1435 1597,1604 | C120 |
| 3006.(Sub) | 525 | 662 | | | 520,1680 | |
| 3007.(Sub) | 468 | 638 | 742 | 742 | 458,1371 1596,1604 | C212 |
| 3016.(Sub) | 557 | | | | 554,1680 | |
| 3035.(Sub) | 1834 1878 | | 1878 1903 | 1878 1904 | 1828 1903,1940 2020,2021 | C13E1 |
| 3036. | 1834 | | | | 1833 | |

HISTORY OF HOUSE JOINT MEMORIALS

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action |
|-------|----------------------|---------------------|-----------------------------|------------------------------|-------------------|
| 4006. | 157 | 632 | | | 150 1550.1680 |
| 4012. | 157 | | | | 150.1680 |
| 4019. | 181 | 722 | | | 180 1550.1680 |
| 4024. | 383 | 723 | | | 381 1550.1680 |
| 4030. | 525 | 723 | 1136 | 1136 | 520 1596.1604 |
| 4031. | 571 | 662 | | | 566.1680 |
| 4037. | 1663 | | 1663 | 1663 | 1663 1674.1675 |

HISTORY OF HOUSE JOINT RESOLUTIONS

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action |
|------------|----------------------|---------------------|-----------------------------|------------------------------|-----------------|
| 4200. | 92 | 563 | | | 87 1550,1680 |
| 4203. | 93 | 632 | 743 | 743 | 87 1283,1331 |
| 4204.(Sub) | 93 | | | | 87,1680 |
| 4227. | 414 | | | | 411,1680 |
| 4228. | 468 | | | | 457,1680 |
| 4231. | 2036 | | 2036,2041 | 2041 | 2036,2044 |

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

| NO. | Intro. & 1st Rdg. | Committee Report | 2nd Rdg. Amend- ments | 3rd Rdg. Final Passage | Other Action |
|------------|----------------------|---------------------|-----------------------------|------------------------------|------------------------|
| 4426. | 36 | | 36 | 36 | 36 55.64 |
| 4427. | 37 | | 37 | 37 | 37 55.64 |
| 4428. | 39 | | 39 | 40 | 39,183 |
| 4429.(Sub) | 525 | 662 | | | 520 1550.1680 |
| 4432. | 741 | | 741,753 | 753 | 740 1283,1331 |
| 4434. | 189 | | 189 | 190 | 189 231,232 |
| 4437. | 1256 | | 1256,1257 | 1257 | 1256 1437,1452 |
| 4438. | 1434 | | 1434 | 1434 | 1434 1606,1607 |
| 4441. | 1675 | | 1675 | 1675 | 1675,1676 |
| 4442. | 1688 | | 1688 | 1689 | 1687,1712 |
| 4443. | 1811 | | 1811 | 1812 | 1810,1819 |
| 4445. | 1822 | | 1822 | 1822 | 1822,1828 1889,1890 |
| 4446. | 1834,1939 | | 1939 | 1939 | 1828,2021 2022,2023 |
| 4447. | 2023 | | 2023 | 2023 | 2023,2024 |
| 4448. | 2044 | | 2044 | 2044 | 2044 |

GENERAL INDEX

ABANDONED PROPERTY

Junk vehicles, disposal procedures: SB 6746

ACKNOWLEDGEMENTS

Satisfaction of mortgage, failure to acknowledge, penalties: SB 6865

ADKINS, KAYE

Reappointed member, indeterminate sentencing review board,

GA 9235 pp. 136,1436

ACTIONS AND PROCEEDINGS

Unlawful detainer actions, notice requirements: HB 2997

ADAMS, U. S. SENATOR BROCK

Introduced and addressed senate p. 534

ADMINISTRATIVE PROCEDURE

Corporations, procedure for obtaining review of allegedly unfair regulations: SSB 5542

Environmental hearings office, administrative appeals judges: *SB 5712, CH 65 (1990)

Judges, administrative appeals, environmental hearings office: *SB 5712, CH 65 (1990)

Puget Sound water quality authority, hearings on proposals to modify water quality protection plan, requirements and procedures: *SHB 2482, CH 115 (1990), SB 6211, SSB 6211, SB 6416

Taking, establishing a process to determine whether a taking of private property has occurred: SB 6253, SB 6812

ADOPTION

Adoption commission, Washington state, creation: SCR 8429, *SSCR 8429 E1 (1990)

Background checks on prospective adoptive parents: SB 6494, *SSB 6494, CH 146 (1990)

Confidential intermediaries, appointment in adoption searches: SB 6493, *SSB 6493, CH 145 (1990)

Family leave for adoptive parents, to be granted on same terms as for newborn child: SB 5966

Grandparents, notice of adoption proceedings: SB 6376, SSB 6376

Grandparents, visitation by biological grandparents: SB 6376, SSB 6376

Information about adoption-related services to be provided adopted parent: SB 6494, *SSB 6494, CH 146 (1990)

Minority and ethnic heritage factors to be considered in making placements: SHB 1521

Post-placement reports, requirements: SB 6494, *SSB 6494, CH 146 (1990)

Pregnancies, unintended, support for adoption as an option: *HB 2602, CH 285 (1990)

Pre-placement reports, requirements: *SSB 6494, CH 146 (1990)

Procedural revisions: SB 6494, *SSB 6494, CH 146 (1990)

Reconsideration program, medical and counseling services through adoption support program: *HB 2602, CH 285 (1990), SB 6492, SSB 6492, 2SSB 6492

Records, release to adult adoptee, guardian, or certain relatives: SB 6493, *SSB 6493, CH 145 (1990)

Searches, referral to assistance resource by county clerk: SB 6494, *SSB 6494, CH 146 (1990)

Unintended pregnancies, support for adoption as an option: *HB 2602, CH 285 (1990)

Washington state adoption commission, creation: SCR 8429, *SSCR 8429 E1 (1990)

Written consent, requirements: SB 6494, *SSB 6494, CH 146 (1990)

ADULT ENTERTAINMENT

Materials and services, sales tax imposed, rate set: SB 6288
 Sales tax imposed on materials and services, rate set: SB 6288

ADULT FAMILY HOMES

Licensing: 2SSB 5145, SB 5153

ADVERSE POSSESSION

Volunteer groups, use by groups is permissive and will not support a claim of adverse possession: SB 5424

ADVERTISING

Commercial promotional activity on school premises restricted: SB 6896
 Contractors, broadcast advertising need not show current registration number: *HB 1523, CH 46 (1990)
 Contractors, print ads to show current registration number, broadcast ads require proof of current registration to broadcaster: 2SSB 5307
 Schools, commercial promotional activity on school premises restricted: SB 6896

AFRICAN-AMERICANS

Washington state commission on African-American affairs established in the office of the governor: SHB 2084

AGED

Boarding homes, independent senior housing or independent units in retirement communities excluded from definition: SB 5842

AGRICULTURAL EQUIPMENT

Dealers, regulation of business relations between dealers and equipment manufacturers, wholesalers, and distributors: *SHB 2296, CH 124 (1990), SB 6295, SSB 6295
 Manufacturers, wholesalers, and distributors, regulation of business relations with independent dealers: *SHB 2296, CH 124 (1990), SB 6295, SSB 6295

AGRICULTURAL LENDERS

Loan guaranty program participants, authority of supervisor of banking to examine and supervise: SB 6453, *SSB 6453, CH 134 (1990)
 Loan guaranty program participants, recordkeeping and fiscal duties: SB 6453, *SSB 6453, CH 134 (1990)

AGRICULTURE

Agricultural liens, central filing system: SB 6565
 Central filing system operators, licensing of: SB 6501, SSB 6501
 Conversion of agricultural or forestry land to other uses, ten year waiting period: SHB 2929
 Crops, security interests, central filing system: SB 6501, SSB 6501
 Dairy industry, examination and regulation of biotechnology that might adversely effect: SB 6647
 Dairy industry, monitoring of products and substances which may affect consumer acceptance of dairy products: SB 6861
 Dairy products commission, examination and regulation of biotechnology that might adversely effect dairy industry: SB 6647
 Farmworker housing, grant and loan program, eligibility: 2SHB 1663
 Farmworker housing inspection procedures and standards: SB 6780, SSB 6780, *2SSB 6780, CH 253 (1990)
 Farmworker housing, leases of state and county owned lands for: *2SSB 6780, CH 253 (1990)
 Farmworker housing, model or prototype construction plans and manuals, development, distribution, and use of: *2SSB 6780, CH 253 (1990)
 Food, drugs, or cosmetics, prohibition on transportation in vehicle used to transport hazardous or solid waste, rulemaking authority: SB 6185

AGRICULTURE—cont.

- Fruit tree and fruit tree related ornamental tree certification and nursery improvement program advisory committee: *HB 2832, CH 261 (1990)
- Fruit tree and ornamental fruit tree advisory board: HB 2832
- Grass seed burning, research, fee increased to one dollar per acre of crop to be burned: *SB 6866, CH 113 (1990)
- Hazardous waste disposal facilities siting, moratorium on sites near agricultural lands: SB 6252
- Horticultural pest and disease control boards, destruction of infested plants without owner's consent, procedure: SB 6353
- Horticultural plants and facilities, revised provisions: *HB 2832, CH 261 (1990)
- Lenders participating in loan guaranty programs, authority of supervisor of banking to examine and supervise: SB 6453, *SSB 6453, CH 134 (1990)
- Marketer lien created: SB 6706
- Milk pumping, exemption from special fuel tax: *SB 6816, CH 185 (1990)
- Orchard revitalization program, reduction of Red Delicious apple acreage: SB 6760
- Producer associations, assignment of dues by processor: SB 6544
- Security interests in crops, central filing system: SB 6501, SSB 6501
- Sludge, labeling of products grown or processed with: SB 6705
- Transportation of food, drugs, or cosmetics in vehicle used to transport hazardous or solid waste prohibited, rulemaking authority: SB 6185
- Unemployment compensation coverage extended to agricultural workers over age eighteen: SSB 5830
- Unemployment insurance, voluntary combined reporting for agricultural employers by January 1, 1992: *SHB 2426, CH 245 (1990), SB 6761
- Workers over age eighteen, unemployment compensation coverage extended to: SSB 5830

AGRICULTURE, DEPARTMENT OF

- Apple grade and size standards, newspaper publication of notice of hearings requirement removed: *SB 6354, CH 19 (1990)
- Central filing system operators, licensing duties: SB 6501
- Crops, security interests, central filing system: SB 6501
- Dairy industry, monitoring of products and substances which may affect consumer acceptance of dairy products, rulemaking authority: SB 6861
- Director, organizational and appointment powers: SB 6289, *SSB 6289, CH 37 (1990)
- Ethanol and methanol, to develop guide to outlets and informational pamphlet on: SB 5992
- Food products, prevention of contamination during transport, rulemaking authority: *SB 6164, CH 202 (1990)
- Food products, rehabilitation of vehicles used to carry nonfood items, certification and inspection of, fees: 2SHB 2270
- Food products transportation, director to publish list of nonfood items that will not render food items unsafe: 2SHB 2270
- International trade offices, policy authority: SB 6202, SSB 6202, 2SSB 6202
- Mushroom buyers and dealers, licensing duties: HB 2924, SB 6529, *SB 6576, CH 20 (1990)
- Orchard revitalization program, reduction of Red Delicious apple acreage: SB 6760
- Organic food certification, extension to packing sheds and wholesale distributors: SHB 2952, SB 6244, SSB 6244
- Organic food, certified producers, director to seek tax relief for financially weak producers: SB 6821
- Pesticide recordkeeping form adoption: SB 6246, SSB 6246
- Pesticide registration and reregistration assistance duties: SB 6245

AGRICULTURE, DEPARTMENT OF—cont.

- Pesticides, home pesticide containers, authority to regulate size of containers: SHB 2593
- Pesticides, minor use advisory committee, membership and duties: SB 6245, SB 6526, SSB 6526
- Purple loosestrife control and eradication, duties: SSB 6291, 2SSB 6291
- Railroad track scales, to administer testing program: SB 5554, *SSB 5554, CH 27 (1990)
- Registration under federal insecticide act, assistance and information duties: SB 6526, SSB 6526
- Sludge and waste disposal in agricultural areas, director to study impacts: HB 2333
- Tokyo office, study of colocation efforts with department of trade and economic development: SSB 5004
- Transportation of food products, prevention of contamination during, rulemaking authority: *SB 6164, CH 202 (1990)

AIDS

- Education, curriculum criteria: SB 6273
- Education in public schools, local districts to have exclusive control over curriculum: SB 6273
- Medical assistance for persons infected with: SB 5610
- Nursing home pilot facility for patients with AIDS, nursing staff limit eliminated: *HB 2395, CH 207 (1990)
- Nursing homes authorized to serve patients with, reimbursement: HB 2395, SB 6460

AIKEN, DOROTHY L.

- Trustee, Yakima Valley community college district no. 16.
GA 9214 p. 29

AIR POLLUTION

- Air quality, joint select committee on, membership and duties: SHB 2277, SHB 2566, SSB 6418, 2SSB 6418
- Automobile emissions, special parking privileges for persons acutely sensitive to: *HB 2842, CH 24 (1990)
- Clean air act penalties, air pollution control authorities to retain entire amount they recover: HB 2297, *SB 6583, CH 157 (1990)
- Condominium owners' association not responsible for clean air act violations of resident: *SB 6583, CH 157 (1990)
- Control authorities, to retain entire amount they recover as penalties under clean air act: HB 2297, *SB 6583, CH 157 (1990)
- Diesel-powered vehicles, department of ecology to study and report on effects of emissions from: HB 1950
- Grass seed burning, research, fee increased to one dollar per acre of crop to be burned: *SB 6866, CH 113 (1990)
- Impaired air quality, first and second stage impairments: *SSB 6698, CH 128 (1990)
- Indoor air quality standards: *SHB 2198, CH 2 (1990)
- Indoor air quality standards, new residential construction: SB 6477
- Jet aircraft emissions study: HB 2617
- Joint select committee on air quality, membership and duties: SHB 2277
- Local authorities, wood burning stoves, limits on use during periods of impaired air quality: *SSB 6698, CH 128 (1990)
- Parking privileges, special, for persons acutely sensitive to automobile emissions: *HB 2842, CH 24 (1990)
- Pellet burning stoves, use during periods of local impaired air quality: SB 6506
- Pellet stoves, use during periods of impaired air quality: *SSB 6698, CH 128 (1990)
- Solid fuel burning device, use during forecast episode: SB 6698

AIR POLLUTION—cont.

- Solid fuel burning devices, air quality authority may impose fee on sale of: SB 6698, SSB 6698
- Thermal energy plant certification, consideration of the amount of carbon dioxide emissions: SB 5705

AIRPORTS

- Grant county wayport and high-speed transportation development study: *SCR 8437 (1990)
- Jet aircraft emissions study: HB 2617
- Moses Lake, to be made into northwest regional international airport, determination of method: SB 6442
- Municipal, tenant improvements of leased premises, authority to allow: *HB 2855, CH 215 (1990)
- Northwest regional international airport commission, membership and duties: SB 6442
- Schools, surplus real property, lease or rental, recapture provision required except when proximity to international airport negates further school use: *SSB 6681, CH 96 (1990)

ALCOHOLIC BEVERAGES

- Abuse issues course, required of teachers for initial certification: *HB 2331, CH 90 (1990)
- Beer keg registration: SB 5094
- Beer licenses, references to pasteurized and unpasteurized beer removed: HB 2508
- Beer retailer's license, winery applications, conditions: SB 6487
- Beer sales by keg regulated: SB 5094
- Business entertainment practices, liquor importers, wholesalers, or manufacturers: *SHB 2858, CH 125 (1990)
- Class H licenses: HB 2472
- Class H licenses, clubs practicing discrimination are not entitled to: SB 6582, SSB 6582
- Clubs practicing discrimination are not entitled to class H license: SB 6582
- Collector items, license or permit not required for sale: HB 2472
- Discrimination, clubs practicing are not entitled to class H license: SB 6582, SSB 6582
- Distributions from liquor revolving fund: HB 2472
- Driving privileges, revocation for alcohol or drug offenses: HB 2425
- Driving while intoxicated, community service options: SB 6793
- Fortified wines, class R licenses, consideration of application for, criteria: SHB 2857
- License applications, posting requirements: HB 2608
- Liquor importers, wholesalers, or manufacturers, business entertainment practices: *SHB 2858, CH 125 (1990)
- Motels, class M liquor license: HB 2739
- Motor fuel, store prohibited from selling both alcohol and motor fuel: SB 6543
- Seizures, periodic reporting requirement: HB 2472
- Sobriety checkpoints: SB 6710
- Substance abuse, interdepartmental coordinating committee on, membership and duties: SSB 6710
- Table wines, class Q licenses: SHB 2857
- Wineries, application for beer retailer's license, conditions: SB 6487

ALCOHOLISM TREATMENT

- Alcoholism and controlled substance abuse act, technical amendments: *2SHB 2986, CH 275 (1990)
- Alcoholism and drug addiction treatment, technical changes to clarify existing law: *SHB 2385, CH 151 (1990), SB 6312, SSB 6312

ALCOHOLISM TREATMENT—cont.

Confidentiality of patient records: SB 6312, SSB 6312

Pregnancy, use of controlled substances and alcohol, local prevention programs:
SB 6458Substance abuse, interdepartmental coordinating committee on, membership
and duties: SSB 6710**ALLADO, QUEENIE**

Reappointed member, parks and recreation commission,

GA 9141 p. 13

AMONDSO, SENATOR NEIL

Appointed environment and natural resources, vice chair:

health and long-term care,

and ways and means committees pp. 11,12

Notice for reconsideration, SSB 6493 p. 454

Notice for reconsideration, HB 1890 p. 1015

ANDERSON, JULIE GRAVES

Reappointed member, gambling commission, GA 9001 p. 931

ANDERSON, ROBERT J.

Reappointed trustee, state school for the blind,

GA 9142, confirmed pp. 19,66,741

ANDERSON, SENATOR ANN

Appointed agriculture, vice chair; economic development and

labor, vice chair; education,

and rules committees pp. 11,12

ANDRYCH, JAMES

Member, western state hospital advisory board,

GA 9215 pp. 26, 377

ANIMALS (See also DOGS)

Animal remedy act, repeal: *HB 2555, CH 197 (1990)

Dogs and cats, use as bait, prey, or targets for purpose of training animals prohib-
ited, penalties: *SSB 6195, CH 226 (1990)Live animals, use as bait, prey, or targets for purpose of training animals prohib-
ited, penalties: SB 6195Pet animals, provisions relating to theft and sale of pet animals apply whether or
not animal is in owner's possession: SB 6195, *SSB 6195, CH 226 (1990)**ANTEZANA, RICHARD**

Consul of Bolivia introduced p. 252

ANTIPSYCHOTIC MEDICATIONS

Involuntary administration: SB 5200

APPLEGrade and size standards, newspaper publication of notice of hearings require-
ment removed: *SB 6354, CH 19 (1990)Orchard revitalization program, reduction of Red Delicious apple acreage: SB
6760**APPLE BLOSSOM ROYALTY**Queen Jennifer Lynn Williams introduced and
addressed senate p. 557Princess Anne Elizabeth Rowley and Tara Leigh Holliday
introduced p. 557**APPRENTICES**Minorities and women, participation in state supported programs: SB 5300, *SSB
5300, CH 72 (1990)

APPRENTICES—cont.

- Prevailing rates, determination of rate when employed on public works projects:
SB 6168
- Prevailing wage, payment to apprentices with approved apprenticeship or
training agreement: SSB 6168
- Women and minorities, participation in state supported programs: SB 5300, *SSB
5300, CH 72 (1990)

APPRENTICESHIP COUNCIL

- Governor to appoint three public members: SB 6498

AQUACULTURE

- Environmental assessment of proposed uses: SB 5020, SSB 5020
- Floating marine fin fish task force, membership and duties: SHB 2892
- Local government regulation of floating aquaculture, department of ecology to
adopt guidelines, use required: SHB 1883
- Preferred practices, determination: SB 5020, SSB 5020

ARBITRATION

- Mandatory, claim limit raised to seventy thousand dollars: HB 2338.

ASBY, JACK A.

- Member, western state hospital advisory board,
GA 9216 pp. 26,377

ATTORNEY GENERAL

- Crime stoppers assistance office, creation and duties, financial assistance to local
programs: SB 6215, SSB 6215
- Office of crime victim services, creation, organization, and duties: SB 6207
- Taking, establishing a process to determine whether a taking of private property
has occurred, duties: SB 6253, SB 6812

ATTORNEYS

- Certificate of merit filing required, professional negligence cases, sanctions for
violations: SB 6148, SSB 6148
- Fees, application procedure for services in proceedings before department of
labor and industries or board of industrial appeals: HB 2273, *SB 6514, CH 15
(1990)
- Fees, award when, except for torts, state or subdivision is not prevailing party in
a civil action: SB 6748
- Fees, award when state is not prevailing party in civil action to which it is party:
SSB 5650
- Fees, award when state or subdivision is not prevailing party in civil action to
which it is party: SB 5650
- Fees, contingent fees, agreements and calculation of amount: SB 6817
- Fees in workers' compensation appeals cases, written application to be submit-
ted within one year following final decision: SB 5685
- Fees, real estate contract forfeitures, "cure the default" includes payment of: SB
6479
- Professional negligence actions, filing of certificate of merit required, sanctions
for violations: SB 6148, SSB 6148

AVIATION

- Air transportation commission, membership and duties: *SB 6408, CH 298 (1990)

BAILEY, SENATOR CLIFF

- Appointed education, chair: agriculture, children
and family services, and
ways and means committees pp. 11,12

BAILOR AND BAILEE

Reimbursement of bailee from sale of unclaimed property for costs incurred in regard to that property authorized: *HB 2262, CH 41 (1990)

BANKING, SUPERVISOR

Agricultural lenders participating in loan guaranty programs, authority to examine and supervise: SB 6453, *SSB 6453, CH 134 (1990)

Small business administration's 7(a) loan guaranty program, licensing of lenders: SSB 5647

BANKS AND BANKING

Consolidation of regulatory functions, joint select committee to study creation of new state agency: SSB 6371

Financial institutions, department of, creation, organization, and duties: SB 6371

Small business administration's 7(a) loan guaranty program, lender participation: SSB 5647

BANKS, CHERRY MCGEE

Reappointed trustee, shoreline community college

district no. 7, GA 9144, confirmed pp. 20,574,664

BARLOW, GREGORY P.

Appointed adjutant general of the military department,

GA 9145, confirmed pp. 16,66,129

BARNES, RAMON L.

Reappointed trustee, pierce community college, district no. 11,

GA 9241 p. 215

BARR, SENATOR SCOTT

Appointed agriculture, chair; environment and natural resources, and transportation committees pp. 11,12

Personal privilege, remarks on Senator Patrick's first speech on senate floor p. 184

Personal privilege, explains amendment to amendment to SSB 6799 p. 824

BATTERIES

Core deposits, excise tax on, clarification of definitions and terminology: SB 6653

BAUER, SENATOR ALBERT

Appointed higher education, rules, and ways and means committees pp. 11,12

Statement for journal, removing name as sponsor of SB 6864 p. 318

Point of order, amendment to committee amendment, HB 2290 p. 915

BAUTISTA, DR. JAIME

Philippine consul general and dean of consular corps officers, introduced and addressed senate p. 251

BAVASI, ROBERT J.

Trustee, Everett community college district no. 5,

GA 9140, confirmed pp. 12,96,121

BELLEVUE COMMUNITY COLLEGE DISTRICT NO. 8

Sally Jarvis, trustee, GA 9230 p. 26

BENDER, SENATOR RICK S.

Appointed education, and transportation committees pp. 11,12

Statement for journal, removing name as sponsor of SB 6864 p. 318

BENITZ, SENATOR MAX E.

Appointed energy and utilities, chair; education, environment
and natural resources, and transportation committees pp. 11,12

BICYCLES

Bicycle awareness program: SB 6434, SSB 6434

Earphones or headsets, unlawful to ride with set that muffles sound to both ears:
SSB 6434

Helmet required for riders under sixteen: SB 6398

Helmets required for all riders under age twelve: SB 6247

Safety education for children in grades K-6: SB 6427

BIDS AND BIDDING

State agencies, dissemination of bid information by business assistance center: SB
6175, SSB 6175

State purchasing bid limits: SB 6689

BIG BEND COMMUNITY COLLEGE DISTRICT NO. 18

Harry Yamamoto, reappointed trustee, GA 9242 p. 215

BIOTECHNOLOGY

Dairy industry, examination and regulation of biotechnology that might
adversely effect: SB 6647

BLIND, DEPARTMENT OF SERVICES FOR

Shirley A. Smith, appointed director, GA 9195 p. 14

Braille, instruction to be provided in: SB 5083

Braille, school districts to develop policies regarding instruction in: SSB 5083

Summer school program at state school for blind for students not regularly
enrolled: SB 6002

BLIND, STATE SCHOOL FOR

Robert J. Anderson, reappointed trustee,

GA 9142, confirmed pp. 19,662,741

Joseph Fram, trustee, GA 9163, confirmed pp. 19,662,741

Jeanne A. Pelkey, trustee, GA 9185,
confirmed pp. 19,662,830

Summer school program for students not regularly enrolled: SB 6002

BLOOD

Donations, directed donations for specific users authorized: SB 5212, SB 5397, SB
5399

BLUECHEL, SENATOR ALAN (See also PRESIDENT PRO TEMPORE OF SEN-
ATE; also RULINGS AND REPLIES BY PRESIDENT PRO TEMPORE; also
PARLIAMENTARY INQUIRIES)

Appointed energy and utilities, vice chair; rules, vice chair;

and ways and means committees pp. 11,12

BOATS

Commercial vessels, negligent operation unlawful: *SB 6335, CH 31 (1990)

Documentary service fees, inclusion in sale price: SHB 2940

Eluding or attempting to elude a law enforcement vessel, class C felony: *HB
2429, CH 235 (1990), SB 6648

Failure to stop at request of law enforcement officer, gross misdemeanor: *HB
2429, CH 235 (1990)

Law enforcement vessels, eluding or attempting to elude, class C felony: *HB
2429, CH 235 (1990), SB 6648

Negligent operation of a commercial vessel unlawful: *SB 6335, CH 31 (1990)

Sellers of small, human-powered boats, exemption from vessel dealer registra-
tion: SB 6478, SSB 6478

BOATS—cont.

- Small, human-powered boat sellers, exemption from vessel dealer registration: SB 6478, SSB 6478
- Vessel dealer registration, sellers of small, human-powered boats, exemption: SB 6478, SSB 6478
- Willful failure to stop for law enforcement officer, misdemeanor: SB 6648

BOND, SCOTT

- Member, eastern state hospital advisory board, GA 9254 p. 576

BONDS

- Capital facilities, general obligation bonds authorized to fund projects in 1989-91 capital and operating budgets: *SHB 2964, CH 15 E1 (1990)
- Correctional facilities, authorization to issue general obligation bonds to fund construction and remodeling: SB 6620
- Fire service training center bond retirement fund reinstated: HB 2311, SB 6241
- General obligation bonds, authority to issue, authorized amounts: SB 6413, SSB 6413
- General obligation bonds, authorization to issue, authorized amount to be issued: HB 2264
- General obligation bonds, authorization to sell to fund acquisition of headquarters facility for department of transportation district 1: *SB 6897, CH 293 (1990)
- General obligation bonds for capital purposes, constitutional amendment to change voting validation requirements: HJR 4228, SJR 8233
- General obligation bonds for projects in 1989-91 capital and operating budgets, authorization: *SHB 2964, CH 15 E1 (1990)
- General obligation bonds, include councilmanic and voter-approved bonds: *HB 2373, CH 220 (1990)
- General obligation bonds, school construction and modernization, sale authorized: SB 6278
- Housing finance commission, authority to issue revenue bonds for nonprofit corporation facilities: *SB 6574, CH 167 (1990)
- Jails, authorization to issue general obligation bonds to fund construction and remodeling: SB 6620
- Local governments issuing bonds, annual report to department of community development: *HB 2373, CH 220 (1990)
- Nonprofit corporation facilities, authority of housing finance commission to issue revenue bonds for: *SB 6574, CH 167 (1990)
- Private activity bonds, allocation ceilings: HB 2661, *SB 6535, CH 50 (1990)
- School construction and modernization, authorization to issue general obligation bonds to fund: SB 6278
- School facility construction and modernization, limit on use of proceeds for fixtures not a part of the construction project: SHB 2914
- Transportation, department, authorization to sell general obligation bonds to fund acquisition of district 1 headquarters: *SB 6897, CH 293 (1990)

BOTTIGER, R. TED

- Reappointed member, pacific northwest power and conservation planning council, GA 9236 p. 136

BOUNDARY REVIEW BOARDS

- Disapproval by board of incorporation of city with population of 7,500 or more not allowed: *SB 6189, CH 273 (1990)
- Election of board members, procedures: SB 6752
- Elimination: SB 6189
- Territory within proposed incorporation of city of 7,500 or more, limit on board's power to add to or reduce area: *SB 6189, CH 273 (1990)

BOY SCOUTS

- Eagle scouts Geoffrey Smigun and Jon Eric Davidson presented colors p. 380
- Eagle scout Peter Ritchey introduced and addressed senate p. 380
- Boy scouts in gallery introduced p. 380
- SFR 1990-8732 p. 384

BOYD, DAN E.

- Member, marine employees' commission, GA 9146, confirmed pp. 13,135,318

BRIDGES

- Columbia river, second bridge at Longview, transportation commission to study: SB 6697, *SSB 6697, CH 87 (1990)
- Sam Guess memorial bridge, requesting that the new Division street bridge in Spokane be named: *HJM 4030 (1990)
- Spokane river toll bridge, reversion of ownership to city of Spokane: HB 2216

BROCK, MARILU

- Reappointed trustee, highline community college district no. 9, GA 9147, confirmed pp. 20,96,143

BROOKS, DR. DEAN K.

- Appointed chair, western state hospital advisory board, GA 9217 pp. 26,377

BROWN, THE REVEREND LEO

- Reappointed member, housing finance commission, GA 9148 p. 15

BUDGET

- Budget stabilization account, appropriation: *SB 6091, CH 7 E1 (1990)
- Capital budget, supplemental: SB 6417, *SSB 6417, CH 299 (1990)
- Operating budget, supplemental: *SB 6407, CH 16 E1 (1990), SSB 6407
- Transportation budget, supplemental: *SB 6408, CH 298 (1990)

BUILDING CODE COUNCIL

- Building code council account created, six-dollar fee to be collected on each building permit issued: SB 5714
- Building code council account, fee to be collected on each building permit issued, rates set: SSB 5714, 2SSB 5714
- Building code education and training, duties: SHB 2516
- Energy code, promulgation as part of the state building code, required standards: *SHB 2198, CH 2 (1990)
- Energy code, residential building standards: SB 6477
- Farmworker housing, thermal performance standards: SB 6780, SSB 6780, *2SSB 6780, CH 253 (1990)
- Indoor air quality standards: *SHB 2198, CH 2 (1990)

BUILDING CODES/PERMITS

- Building code education and training: SHB 2516
- Cities and counties, power to amend building codes limited: SB 5797
- Energy code, promulgation as part of the state building code, required standards: *SHB 2198, CH 2 (1990)
- Indoor air quality standards: *SHB 2198, CH 2 (1990)
- Public facilities, ratio of men's to women's toilets: SB 6686
- Uniform plumbing code, 1982 edition, appendix C, adopted, cities and counties not to modify minimum sanitary facilities standards: 2SHB 1978
- Water and power supply availability, proof of, required for issuance of permit: SB 6773
- Women's restrooms, city and county cannot exempt public buildings from state code requirements: 2SHB 1978

BUILDINGS

Premises unfit for human habitation, municipalities may not authorize private action to appoint receiver to abate: SB 6247

Premises unfit for human habitation, when municipalities may authorize private action to appoint receiver to abate: SSB 6247

BUSES

Assault on transit or school bus driver, penalties: SB 6255, *SSB 6255, CH 236 (1990)

Controlled substances, penalties increased for manufacture or sale on or near public buses and parks: *SHB 2336, CH 244 (1990), SB 6856

School and private carrier buses, marking requirements: HB 2355, SB 6220, *SB 6303, CH 241 (1990)

School and private carrier buses, stopping for buses discharging or receiving passengers, when required: HB 2355, SB 6220, *SB 6303, CH 241 (1990)

School buses, plan to phase out pre-1977 buses: SSB 6184

School buses required to comply with federal safety standards: SB 6184

School buses, to serve each side of divided or multiple-lane highway separately so students need not cross highway: HB 2355, SB 6220, *SB 6303, CH 241 (1990)

BUSINESS AND JOB RETENTION PROGRAM

Creation: SHB 1495

BUSINESSES

Agricultural equipment, regulation of business relations between dealers and equipment manufacturers, wholesalers, and distributors: *SHB 2296, CH 124 (1990), SB 6295, SSB 6295

Business and job retention program: SB 6730

Business and occupation tax exemption for new businesses, eligibility: SB 6233

Community economic stability act: SB 6622

New businesses, business and occupation tax exemption, eligibility: SB 6233

Public sector competition, joint select committee on established: SSCR 8404

Reductions in business operations, employer obligations to employees and community: SB 6622

Simpson investment company congratulated on its centennial: SCR 8436

Store prohibited from selling both alcoholic beverages and motor fuel: SB 6543

CAMPAIGNS

Campaign finance and reporting requirements reform: SB 6045

Campaign financing, joint select committee established, organization and duties: HCR 4418

Candidates' pamphlet, charges for space eliminated: HB 1747

Contributions, annual reporting requirements: SB 6545

Contributions, spending limits, and partial public financing of campaigns for state office: SHB 1910

Organizational contributions, limits on: SB 6045

Public financing of campaigns for state office, eligibility and procedures to obtain matching funds: SHB 1910

Solicitation of funds, prohibited practices: SB 6045

CAMPS AND CAMPING

Residential youth camps, licensing requirements: SB 6430

Youth camp safety advisory committee, membership and duties: SB 6430

Youth camp safety rules: SB 6430

CANADA

Leadership conference called for Pacific Northwest states and provinces to discuss cooperative efforts in the fall of 1990: *SCR 8440 (1990)

CANCER

State-wide cancer registry, secretary of health duties: *2SHB 2077, CH 280 (1990)

- CANTU, SENATOR EMILIO**
 Appointed higher education, rules and
 ways and means committees pp. 11,12
- CAPITAL COMMUNITY PROCLAMATION**
 Welcome legislature week p. 1
- CAPITAL PROJECTS**
 Office of capital projects, establishment: SB 5232
- CAPITOL CAMPUS**
 Capitol campus design advisory committee, organization and duties: SB 5935,
 *SSB 5935, CH 93 (1990)
 Firearms prohibited in structures on: SB 6410, SB 6712
- CARLSON, DAVID L.**
 Reappointed member, indeterminate sentencing review board,
 GA 9237 pp. 136,1436
- CARDWELL, BRUCE L.**
 Trustee, lower columbia community college
 district no. 13, GA 9124, confirmed pp. 574,664
- CASAD, RICHARD**
 Reappointed member, utilities and transportation commission,
 GA 9149, confirmed pp. 23,66,143
- CASTRO, RAUL LOPEX LIRA**
 Consul general of Mexico introduced p. 252
- CATS**
 Use as bait, prey, or targets for purpose of training animals prohibited, penalties:
 *SSB 6195, CH 226 (1990)
- CEMETERIES**
 Cemetery board, civil action for unlawful damages to historic and abandoned
 cemeteries: SB 6661
 Preservation of historic and abandoned cemeteries, civil action for unlawful
 damages by cemetery board: SB 6661
 Preservation of historical and abandoned cemeteries: *HB 2335, CH 92 (1990), SB
 6379, SB 6661
- CEMETERY DISTRICTS**
 Housing unit excise tax authorized when property tax levy is reduced or lost,
 approval, determination, and collection: SB 5880
- CENTER FOR VOLUNTARY ACTION**
 Community service, information and training to community leaders on use of
 volunteers: HB 2745
- CENTRAL WASHINGTON UNIVERSITY**
 Ronald Dotzauer, trustee, GA 9132, confirmed pp. 250,292
 Graham Tollefson, reappointed trustee,
 GA 9202, confirmed pp. 19,66,641
- CENTRALIA COMMUNITY COLLEGE DISTRICT NO. 12**
 Arland D. Lyons, reappointed trustee,
 GA 9178, confirmed pp. 20,226,915
- CHANDLER, REPRESENTATIVE GLYN**
 Moment of silence p. 931
 SFR 1990 - 8749 p. 951

CHARITABLE ORGANIZATIONS

Correctional industries, clothing manufactured by class II industries, donation to organizations distributing free to low-income persons: *SSB 6473, CH 22 (1990)
 Fund raising events, net income from wagers on charitable games not to exceed twenty-five thousand dollars: HB 1682, SB 6580

CHECK CASHING

Credit card number may not be recorded when presented as check cashing identification: *SSB 5340, CH 203 (1990)
 Credit cards, misdemeanor to record credit card number or expiration date when display required as identification: HB 2261

CHIEN, GRACE

Reappointed member, higher education personnel board,
 GA 9150, confirmed pp. 14,225,303

CHILD ABUSE

Bill of rights for sexually abused children: SB 5124, SSB 5124
 Child abuse prevention in the schools, task force to develop an integrated service delivery program, membership and duties: SB 6226
 Closed-circuit television, transmission of testimony of victim by: *SHB 2809, CH 150 (1990)
 Interception of conversations concerning sexual abuse of children authorized: SB 6264
 Law enforcement and child protective services joint investigations, pilot project: *2SSB 6259, CH 3 (1990)
 Manifest danger to child, parental acts constituting: SB 6276, SSB 6276
 Parental behavior constituting manifest danger to child: SB 6276, SSB 6276
 School child abuse prevention programs, task force on service delivery, and training of child abuse prevention education specialists: SB 6226
 School child abuse prevention programs, training of child abuse prevention education specialists: SSB 6226
 Sexual contact, attempted, child's statement regarding, admissibility: SB 6765
 Sexually abused children's bill of rights: SB 5124, SSB 5124
 Shelter care hearings, requirements and procedure: *2SHB 2122, CH 246 (1990)
 Teachers required to complete course on child abuse issues for certification: *HB 2331, CH 90 (1990)
 Testimony of victim by closed-circuit television: *SHB 2809, CH 150 (1990)
 Treatment for abusive person removed from home: *2SSB 6259, CH 3 (1990)
 Video testimony allowed by children under ten who are sexual abuse victims: SJR 8231

CHILD CUSTODY

Parent's employment schedule, factor to be considered in residential provisions of permanent parenting plan: SB 5789

CHILD PROTECTIVE SERVICES

Dependency proceedings: *2SHB 2122, CH 246 (1990)
 Parental rights, termination of, procedure: *2SHB 2122, CH 246 (1990)

CHILD SUPPORT

Accounting of expenditures: SB 6638, SB 6651
 Employer duty to cooperate with collection efforts of support enforcement office: *SB 6399, CH 165 (1990)
 Guidelines: SB 6638, SB 6651
 Guidelines, mandatory child support guidelines established: *HB 2888, CH 2 E1 (1990)
 Mandatory wage assignments, form for petition in collection actions: SB 6703
 Obligation, determination: SB 6638, SB 6651
 Orders, modification of, conditions: *HB 2888, CH 2 E1 (1990)

CHILD SUPPORT—cont.

Schedule, mandatory child support guidelines established: *HB 2888, CH 2 E1 (1990)

CHILD SUPPORT SCHEDULE COMMISSION

Beatrice J. Kriloff, member, GA 9175 p. 23

CHILDREN

- At-risk youth, county programs, funding and program requirements: SB 6610
- At-risk youth, family reconciliation act: SB 6610, SSB 6610, *2SSB 6610, CH 276 (1990)
- At-risk youth, petition to declare, out-of-home residential placements: SB 6610, SSB 6610, *2SSB 6610, CH 276 (1990)
- Background checks on prospective employees or volunteers who will work with children: *2SSB 6259, CH 3 (1990)
- Bicycle helmet required for riders under sixteen: SB 6398
- Children's health program: *SHB 2603, CH 296 (1990), SB 6414, SSB 6414
- Children's service ombud, powers and duties: SHB 2819
- Controlled substances, testing of newborn infants for, referral to health education and treatment: SB 6457
- Crimes, sale or distribution of matter harmful to minors, misdemeanor: SB 6670, SSB 6670
- Custody, circumstances warranting law enforcement officer taking child into: SB 6563
- Department of children, youth, and families created, organization, powers, and duties: SB 6789, SSB 6789
- Dependency proceeding, notice of appeal or notice for discretionary review, requirements: SSB 6814
- Dependency proceedings: *2SHB 2122, CH 246 (1990)
- Dependency proceedings when child taken into custody for his or her protection: SB 6814
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses: SB 6174, SSB 6174
- Early childhood education and assistance programs, funding provisions: SB 6687
- Early intervention services for infants and toddlers with disabilities: SB 6316, SB 6542, SSB 6542
- Enticement for purpose of sexual contact or gratification, gross misdemeanor: HB 2746
- Family reconciliation act, at-risk youth programs: SB 6610, SSB 6610, *2SSB 6610, CH 276 (1990)
- Family reconciliation services program study, requirements: SSB 6610, *2SSB 6610, CH 276 (1990)
- Firearms, unlawful storage, criminal liability for allowing minors easy access: SB 6341
- Intoxication, blood and breath alcohol concentration standards for persons under twenty-one: HB 2334
- Juvenile justice act, repeal: SB 6628
- Law enforcement officers, circumstances warranting taking a child into custody: SB 6563
- Long-term care of children pilot project, two facilities to be established: SB 6424
- Manifest danger to child, parental acts constituting: SB 6276, SSB 6276
- Matter harmful to minors, sale or distribution of, misdemeanor: SB 6670, SSB 6670
- Minority, age for mental health treatment without parental consent raised to sixteen: SB 5973, SSB 5973
- Minors with dependent children, eligibility for aid to dependent children: SB 5411
- Newborn infants, testing for controlled substances, referral to health education and treatment: SB 6457
- Parental behavior constituting manifest danger to child: SB 6276, SSB 6276

CHILDREN—cont.

- Parental rights, termination of, procedure: *2SHB 2122, CH 246 (1990)
- Sex offender registry, information available about prospective employees or volunteers who will work with children: SB 6287
- Sexual contact with person under eighteen other than lawfully wedded spouse unlawful: SB 6273
- Shelter care hearings, requirements and procedure: *2SHB 2122, CH 246 (1990)
- Teen pregnancy prevention, reproductive health pilot projects: SHB 2601
- Termination of parental rights, aggravated circumstances warranting: *2SSB 6537, CH 284 (1990), SB 6538, SSB 6538, 2SSB 6538
- Termination of parental rights, notice of appeal or notice for discretionary review, requirements: SSB 6814
- Termination of parental rights, proceedings in juvenile court: SB 6814
- Termination of parental rights, proceedings, procedural requirements: SSB 6538, 2SSB 6538
- Video testimony allowed by children under ten who are sexual abuse victims: SJR 8231
- Youth camp safety rules: SB 6430
- Youth suicide prevention center of Bothell, appropriation for: SB 6293

CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF

- Created, organization, powers, and duties: SB 6789, SSB 6789

CHIROPRACTORS

- "Chiropractic care" defined: SHB 1492, SB 5358
- Chiropractic services, appropriation to department of social and health services for: SB 6163

CHLOROFLUOROCARBONS

- Uses restricted: SB 6428, SSB 6428

CHORE SERVICES

- Eligibility for services and services provided: SB 5682, SSB 5682, 2SSB 5682

CIGARETTES

- Liquor control board, enforcement powers and duties transferred to: SB 6667, SSB 6667
- Tax, penalties for violations increased: *SB 6652, CH 267 (1990)
- Unstamped cigarettes, penalties increased for failure to pay tax: *SB 6652, CH 267 (1990)
- Unstamped cigarettes, possession and transportation requirements: *SB 6451, CH 216 (1990)

CIVIL PROCEDURE

- Attorneys' fees, award when, except for torts, state or subdivision not prevailing party: SB 6748
- Attorneys' fees, award when state is not prevailing party in civil to which it is party: SSB 5650
- Attorneys' fees, award when state or subdivision is not prevailing party in action to which it is party: SB 5650
- Certificate of merit, filing by claimant's attorney required in professional negligence cases: SB 6148, SSB 6148
- Child support, mandatory wage assignments, form for petition in collection actions: SB 6703
- Civil case preferences, party at least seventy years old: SB 6699
- Consumer protection investigative demands, confidentiality of, exceptions: SB 6330, *SSB 6330, CH 199 (1990)
- Contingent fees, agreements and calculation of amount: SB 6817
- Damages, joint and several liability, limited to total of proportionate shares of economic damages: SB 6813

CIVIL PROCEDURE—cont.

- Damages, proportionate share, determination when multiple parties are at fault: SB 6813
- Dependency proceedings, parental behavior constituting manifest danger to child: SB 6276, SSB 6276
- Docket priority for parties over seventy years of age or terminally ill: HB 2460
- Dogs, hearing to determine whether dog is dangerous: SB 6262, SSB 6262
- Driving while intoxicated, punitive damages for injury or wrongful death: SHB 2459
- Judges, disqualification of, reasons, procedure: SB 6570
- Manifest danger to child, parental acts constituting: SB 6276, SSB 6276
- Preference accorded party at least seventy years old: SB 6699
- Professional negligence actions, filing of certificate of merit by claimant's attorney required: SB 6148, SSB 6148
- Protection and antiharassment orders, hearing and effective dates: HB 2300
- Recreational landowners, limits on liability, recovery of costs of defending suit: SB 6495
- Service of process by mail authorized in district courts: SB 6239, SSB 6239

CLACK, MARI J.

- Member, board of regents, University of Washington, GA 9151, confirmed pp. 22,96,227

CLAMS

- Enhanced food fish tax imposed on: SB 6585, SSB 6585

CLARK COMMUNITY COLLEGE DISTRICT NO. 14

- Georgia-Mae Gallivan, reappointed trustee, GA 9164, confirmed pp. 22,225,357
- George H. Schweitzer, trustee, GA 9189, confirmed pp. 16,250,558

CLARK COUNTY

- Solid waste facilities vendor selection, ratification: SB 6634

CLAUDON, RONALD C.

- Trustee, green river community college district no. 10, GA 9125, confirmed pp. 95,129

CLEMENCY AND PARDONS BOARD

- Anita M. Peterson, reappointed member, GA 9210 p. 25

COBB, JEANNE

- Member, small business export financial assistance center board of directors, GA 9231 pp. 46,932

COFFIN, RUTH V.

- Member, commission on judicial conduct, GA 9009, confirmed pp. 308,383

COHN, DAVID L.

- Reappointed member, board of regents, University of Washington, GA 9152, confirmed pp. 23,225,330

COLE, CRAIG

- Reappointed trustee, Western Washington University, GA 9152, confirmed pp. 20,250,347

COLLECTION AGENCIES

- Definition of, exception of persons who prepare monthly statements of account: *SHB 2801, CH 190 (1990)

COLLECTIVE BARGAINING

- Jail employees and radio dispatch personnel added to definition of "uniformed personnel": SB 6632
- Private sessions authorized in bargaining by public bodies: *SHB 2337, CH 98 (1990), SB 6365
- State employees, right to organize and bargain: SHB 1557
- Uniformed personnel, law enforcement officers and fire fighters of any city or county included: SB 6717

COLLEGES AND UNIVERSITIES

- Admission standards, vocational courses to be recognized as course equivalencies: SB 6337, SSB 6337, 2SSB 6337
- American Indian endowed scholarship program: *SHB 2831, CH 287 (1990)
- Bid information, state institutions, dissemination by business assistance center: SB 6175, SSB 6175
- Branch campuses, degrees to carry no designation that they were earned at branch campus: SB 6554
- Branch campuses, designation of regional university or state college to provide upper-division courses and degrees: SB 6553
- Branch campuses, designation of research university to provide graduate programs and degrees: SB 6553
- Building fees at state institutions set as percentage of tuition rate: 2SHB 1405
- Building fees, increases annually the percentage of tuition dedicated to: SB 5463
- Building fees, set at nine percent of tuition, authority for each institution to impose building fees surcharge: SSB 5463
- Capital improvements, state to provide matching funds in amount equal to private donation: SSB 6075
- Cherberg scholarship program created: SSB 5503
- Collaborative projects with schools and school districts, board of education to develop program: SB 5519
- Construction projects, revenue from termination of sales tax exemptions on candies and sweets to go to: SB 6313
- Contracts for services, authorization to purchase services by contract: SB 6715, SB 6890
- Contracts for services, employees exempt from regulation by higher education personnel board: SB 6715, SB 6890
- Crime statistics, reporting to Washington association of sheriffs and police chiefs: SSB 6234
- Disabled students in higher education, task force on: *HB 2441, CH 86 (1990)
- Donations, business and occupation tax credit allowed equal to fifty percent of donation: SSB 6075
- Donations for capital improvements, state to provide matching funds in equal amount: SSB 6075
- Excellence in teacher preparation award program: SB 5371
- Financial aid, selective service enrollment required as condition: SB 6625, SSB 6625
- Financial aid to needy single parents, second priority for locally administered funds: HB 2488
- First generation scholars program: SB 6490
- Higher education personnel, recruitment, retention, and development, governor's request: *HB 2567, CH 60 (1990), SB 6444
- Honorary degrees, regional universities and college, authority to award: SHB 2591
- Minimum wage, exemption for students employed by institution of higher education repealed: *HB 2253, CH 149 (1990)
- Normal school funds, allocation: SB 6556
- Pacific Rim language scholarship program: *SSB 5450, CH 243 (1990)
- Pacific Rim language teachers conditional scholarship program: SB 6439

COLLEGES AND UNIVERSITIES—cont.

- Pacific Rim language teachers conditional scholarship program established: SSB 5450
- Placebound students, assessment of needs not addressed by branch campuses: SB 6626, *SSB 6626, CH 288 (1990)
- Placebound students, Clallam and Jefferson counties, assessment of needs not addressed by branch campuses: SSB 6626
- Placebound students, educational opportunity grant program: *SSB 6626, CH 288 (1990)
- Police force to be established at each state institution: SB 6234, SB 6297
- Police force to be established at each state institution, resident police forces not required at branch campuses: SSB 6234
- Preparation of teachers, excellence in training to be recognized by award program: SB 5371
- Regional universities and college, authority to award honorary degrees: SHB 2591
- Return-to-work program to be established, requirements: *HB 2362, CH 204 (1990)
- Safety policy information, distribution to students and employees: SSB 6234
- Salary increases: SB 6892
- Salary increases, allocation, priority to employees farthest behind prevailing rates: SB 6546, SSB 6546
- Selective service enrollment, condition of receiving financial aid: SB 6625, SSB 6625
- Services and activities fees budgets, student participation in recommending: SHB 2551, SB 6463, *SSB 6463, CH 7 (1990)
- Sick leave records for faculty to be maintained at state and regional universities: *SB 6304, CH 162 (1990)
- Sign language, course in American sign language satisfies foreign language admission requirement: SB 6635
- Single parents in higher education assistance program: HB 2489
- Single parents, locally administered financial aid, second priority given to needy: HB 2488
- Solid waste management, to develop plan emphasizing waste reduction and recycling: SB 6540
- State classified employees, tuition waivers at state schools permitted, conditions: *SHB 1824, CH 88 (1990)
- Student employment by institutions of higher education, minimum wage exemption repealed: *HB 2253, CH 149 (1990)
- Student participation in recommending services and activities fees budgets: SHB 2551, SB 6171, SB 6463, *SSB 6463, CH 7 (1990)
- Summer motivation and academic residential training program: SB 6738
- Teacher preparation, award for excellence program, annual award to teacher educator: *SB 5371, CH 10 E1 (1990)
- Tuition waivers for children of law enforcement officers and fire fighters killed in the line of duty: SB 6305, *SSB 6305, CH 154 (1990)
- Vocational courses to be recognized as course equivalencies in admission standards: SB 6337, SSB 6337, 2SSB 6337
- Writing project for educators: SSB 5227

COLUMBIA BASIN COMMUNITY COLLEGE DISTRICT NO. 19

- Minh-Anh Hodge, reappointed trustee, GA 9170 p. 24
- Dr. Erik Pearson, trustee, GA 9184, confirmed pp. 24,135,280
- Waste management education program feasibility study: SB 5996, SSB 5996, *2SSB 5996, CH 158 (1990)

COLUMBIA RIVER

Commemoration of 200th anniversary of the discovery, joint celebration with state of Oregon: *SJM 8017 (1990)

COMMERCIAL VESSELS AND SHIPPING

Financial responsibility, proof required for vessels carrying hazardous substances: *2SHB 2494, CH 116 (1990)

Food products, prevention of contamination during transport: *SB 6164, CH 202 (1990)

Hazardous substances, proof of financial responsibility required for vessels carrying: *2SHB 2494, CH 116 (1990)

Maritime commission created: SB 6701, *SSB 6701, CH 117 (1990)

Negligent operation of a commercial vessel unlawful: *SB 6335, CH 31 (1990)

Oil and hazardous substance spill contingency plans, requirements: SB 6725

Oil spill first response system, maritime commission duties: SB 6701, *SSB 6701, CH 117 (1990)

Pilotage act, expressing support for: SCR 8435

Workers' compensation coverage, maritime occupations, exempt employment: SB 6386

COMMON CARRIERS

Overtime laws, application to employees of interstate carriers: SB 6405

COMMUNITY ACTION AGENCIES

Delivery system for all state and federal anti-poverty programs in Washington: *HB 1491, CH 156 (1990)

Organizational and policy requirements, state imposed, in addition to federal requirements: *HB 1491, CH 156 (1990)

COMMUNITY COLLEGE EDUCATION, STATE BOARD FOR

H.A. "Barney" Goltz, member, GA 9167, confirmed pp. 15,226,330

Joan Yoshitomi, member, GA 9206, confirmed pp. 15,575,1893

Basic skills diploma program, duty to institute: SSB 6411

Compensation of college officers and employees, rulemaking authority: *SHB 2999, CH 135 (1990)

Employment training pilot projects, duties: 2SHB 2348, SB 6411, *SSB 6411, CH 272 (1990)

Exceptional faculty awards program, administrative duties: SB 6216, SSB 6216, *2SSB 6216, CH 29 (1990)

Pierce college, transfer of function to Puyallup campus, implementation duties: SB 6263

Salaries for faculty and administrators, review and study of: *SSB 6306, CH 268 (1990)

Salary schedule and compensation plan, to adopt and revise: SB 6306

COMMUNITY COLLEGES

Compensation of college officers and employees, board of trustees' authority: *SHB 2999, CH 135 (1990)

Construction projects, revenue from termination of sales tax exemptions on candies and sweets to go to: SB 6313

Eleventh and twelfth grade students, enrollment of: SB 6438, SSB 6438

Exceptional faculty awards program, creation of matching grant program, eligibility for and use of matching trust funds: SB 6216, SSB 6216, *2SSB 6216, CH 29 (1990)

Forest lands acquired or purchased by natural resources department, to receive share of revenue from: SSB 6536

Honorary degrees, authorization to award: SHB 2591

Leave sharing programs, participation by persons who do not accrue annual leave, conditions: *SSB 6452, CH 23 (1990)

COMMUNITY COLLEGES—cont.

- Officers and employees, compensation of, board of trustees' authority: *SHB 2999, CH 135 (1990)
- Police force may be established at each institution: SB 6234, SSB 6234, SB 6297
- Running start program: *2SHB 2379, CH 9 E1 (1990)
- Safety policy information, distribution to students and employees: SSB 6234
- Salary increases: SB 6892
- Tenure, performance review of faculty appointees, procedure: SB 6306
- Tenure, probation and peer review period may extend a maximum of five years: SSB 6306
- Tuition waivers for children of law enforcement officers and fire fighters killed in the line of duty: SB 6305, *SSB 6305, CH 154 (1990)

COMMUNITY CONFINEMENT

- Outpatient mental health evaluation required every six months: SB 6286

COMMUNITY DEVELOPMENT, DEPARTMENT OF

- Advisory council on economic development: SB 6792, SSB 6792
- Bonds, local governments issuing, to make annual report to department: *HB 2373, CH 220 (1990)
- Cemeteries, preservation of historical and abandoned cemeteries, authority: *HB 2335, CH 92 (1990), SB 6379, SB 6661
- Children's service ombud, position created, powers and duties: SHB 2819
- Community diversification program, duties: SB 6792, SSB 6792
- Community economic diversification program: *SHB 2706, CH 278 (1990)
- Criminal justice plan, local government to file with: SB 6904
- Drug prevention plan, to develop model plan for use by applicants for housing assistance funds: SHB 2971
- Economic diversification, advisory committee on, membership and duties: SHB 2706
- Employee ownership advisory panel formed: SB 5120
- Farmworker housing, leases of state and county owned lands for, duties: *2SSB 6780, CH 253 (1990)
- Farmworker housing, model or prototype construction plans and manuals, development, distribution, and use of: *2SSB 6780, CH 253 (1990)
- Federally assisted housing preservation advisory committee, organization and duties: SHB 2536
- Federally assisted housing purchase act, duties: SB 6367
- Federally assisted housing, to maintain register of public entities interested in purchasing, notification procedures: SHB 2536
- Historic sites, survey of endangered sites to be conducted at least biennially: SB 6515
- Homelessness prevention program: 2SHB 2405
- Intergenerational child care program to be developed: SB 5821
- Jail construction and renovation, appropriation to fund: SB 6658
- Land use planning, coordination of state and local government planning: *SHB 2929, CH 17 E1 (1990), SB 6425
- Local criminal justice enhancement program, funds distribution: SB 6621
- Local justice assistance board, membership and duties: SHB 2833
- Manufactured housing, regulatory duties, transfer from department of labor and industries: *SHB 2861, CH 176 (1990)
- Manufactured housing, regulatory duties, transfer from department of licensing: *SHB 2861, CH 176 (1990)
- Retired senior volunteer programs, distribution of funds to, administrative duties: SB 6166, SSB 6166
- Rural development and revitalization responsibilities: SSB 5872
- Rural economic growth, grant program to build local capacity for: *SHB 2929, CH 17 E1 (1990)

COMMUNITY DEVELOPMENT, DEPARTMENT OF—cont.

- Rural revitalization projects, duties: 2SSB 5872
- Self-employment loan program committee, membership and duties: 3SSB 5203
- Self-employment loan program, duties: 3SSB 5203
- Self-help projects, technical support to community-based projects: SB 5104
- Sports events, economic impact studies of, model for: 2SHB 2774
- State-wide economic growth, rural-urban linkages: SHB 2929
- Technical assistance grants to community-based groups for redevelopment projects in low-income areas: SSB 5104, 2SSB 5104
- Technical support for community-based self-help projects: SB 5104
- Theater preservation, department authorized to make grants to prevent demolition of historic theaters: SSB 6230
- Theater preservation, state assistance, appropriation for: SB 6230
- Urban revitalization pilot projects, duties: SB 6662, SSB 6662
- Washington state economic diversification project: SB 6766
- Washington state growth strategies commission, staff and support duties: SHB 2140
- Youth suicide prevention center of Bothell, appropriation for: SB 6293
- 911 system, state-wide implementation of enhanced 911 service study: HB 2823

COMMUNITY ECONOMIC REVITALIZATION BOARD

- Tourist resorts, board authorized to make grants to develop destination tourist resorts: 2SHB 1293, SB 5328, SSB 5328

COMMUNITY PROPERTY

- Property divisions, enforcement of payments: 2SHB 2154

COMMUNITY SERVICE

- Adopt-a-highway litter control program: HB 2514, *SSB 6649, CH 258 (1990)
- Driving while intoxicated, service options: SB 6793
- Litter and illegal dumping, assistance to local governments in cleanup: *SHB 2513, CH 66 (1990)
- Volunteers, information and training to community leaders on use of: HB 2745

COMPUTERS

- Software, department of revenue to conduct study on taxation of: *SSB 6859, CH 255 (1990)
- Software, exclusion from definitions of real and personal property for tax purposes, exceptions: SB 6859
- Software, to be taxed on 1989 basis: *SSB 6859, CH 255 (1990)

CONCURRENT RESOLUTIONS

- Adjournment sine die, 1990 first special session: *HCR 4447 E1 (1990)
- Adjournment sine die, 1990 regular session of the Fifty-First Legislature: *HCR 4441 (1990)
- Adjournment sine die, 1990 second special session: *HCR 4448, E2 (1990)
- Adoption commission, Washington state, creation: SCR 8429, *SSCR 8429 E1 (1990)
- Bills, joint sponsorship of bills that have passed opposite house: SCR 8430
- Broadcasting of legislative activities, creation of task force on: SCR 8438
- Campaign financing, joint select committee established, organization and duties: HCR 4418
- Consumer petroleum pricing, creating joint select committee on the economic impact of: SCR 8432
- Cut-off date exemption for Senate Bill 6799 and House Bill 2964: *HCR 4438 (1990)
- Cut-off date extended for specified bills: *HCR 4437 (1990)
- Cutoff dates for consideration of legislation during 1990 regular session: *HCR 4428 (1990)
- Disabilities trust lands, request for legislative proposal regarding management of: *SCR 8444 E1 (1990)
- Earth Day, commemoration of the twentieth anniversary of: SCR 8434

CONCURRENT RESOLUTIONS—cont.

- Engrossed Substitute Senate Bill 6412, consideration in 1990 first special session:
*SCR 8448 E1 (1990)
- Governor notified that legislature is organized and ready to conduct business:
*SCR 8428 (1990)
- Grant county wayport and high-speed transportation development study: *SCR 8437 (1990)
- Health care cost control and access commission created: *HCR 4443 E1 (1990)
- House Bill 3035 and Senate Bill 6906, consideration in special session: *HCR 4445 E1 (1990)
- House Bill 3036, consideration in special session: HCR 4446
- Interpersonal violence, joint select committee on: SCR 8433, SSCR 8433
- Leadership conference called for Pacific Northwest states and provinces to discuss cooperative efforts in the fall of 1990: *SCR 8440 (1990)
- "Legislative Old Timers" reunion, establishment as formal and official program: *HCR 4432 (1990)
- Legislature organized and ready to conduct business, notification to governor: *SCR 8428 (1990)
- Long-term care, joint select commission established: SCR 8409, SSCR 8409
- Measures for consideration in the 1990 first special session of the Fifty-First Legislature: *HCR 4442 (1990)
- Medal of Merit recipients recognized by joint session of the legislature on January 26, 1990: *HCR 4434 (1990)
- Military expenditures and their impact on Washington's economy, task force on: SCR 8431
- Pilotage act, expressing support for: SCR 8435
- Poverty issues, interim study on: *SCR 8446 E1 (1990)
- Professional liability, joint select commission on, formation, organization, and duties: SCR 8413
- Reintroduction of bills, resolutions, and memorials introduced during the 1989 regular and special sessions: *HCR 4427 (1990)
- Seismic events, creating a joint select committee on: SHCR 4429
- Senate Bill 6114, consideration during special session: SCR 8448
- Senate Bill 6344, consideration in 1990 first special session: *HCR 4446 E1 (1990)
- Senate Bill 6906 and House Bill 3035, consideration in special session: *HCR 4445 E1 (1990)
- Senate Bill 6910, consideration during special session: SCR 8449
- Senate Bills 6910, 6909, 6091, 6114, Substitute House Bill 2230, and House Joint Resolution 4227, consideration in 1990 first special session: *SCR 8449 E1 (1990)
- Simpson investment company congratulated on its centennial: SCR 8436
- State of the state message, joint session to receive message from governor: *HCR 4426 (1990)
- Transmittal of bills, resolutions, and memorials upon adjournment of the 1990 regular session: SCR 8443
- Transmittal of bills, resolutions, and memorials upon adjournment sine die of the 1990 regular session: *SCR 8442 (1990)
- Washington state adoption commission, creation: SCR 8429, *SSCR 8429 E1 (1990)

CONDOMINIUMS

- Clean air act violations, condominium owners' association not responsible for acts of resident: *SB 6583, CH 157 (1990)
- Condominium act, revisions: SB 6776, *SSB 6776, CH 166 (1990)

CONGRESS

- Pay raise, ratifying amendment to United States Constitution: SJR 8228

CONNER, SENATOR PAUL H.

- Appointed rules and transportation committees pp. 11,12

CONSERVATION

Acquisition of land for wildlife conservation and outdoor recreation, funding: SB 6412, *SSB 6412, CH 14 E1 (1990)

Areas, real estate excise tax authorized to fund acquisition of local conservation areas: SB 6639, *SSB 6639, CH 5 E1 (1990)

CONSERVATION CORPS

Administrative costs, limitations on total costs, formula for determining average cost per enrollee: *HB 2289, CH 71 (1990)

Developmentally disabled, participating agencies encouraged to enlist: *HB 2289, CH 71 (1990)

Reimbursement of corps members, rate increase: *HB 2289, CH 71 (1990)

CONSTITUTION, STATE

Amendment, constitutional amendment to allow proposal of amendments by initiative: SJR 8237

CONSULAR CORPS OFFICERS

Introduction of Heung Soo Kim, the Consul General of Korea; Hans-Jurgen Mendel, the Consul General of Germany; Raul Lopez Lira Castro, the Consul General of Mexico; Noel Jones, the Consul of Britain; Victor Schiantarelli, the Consul General of Peru; Walter Weber, the Consul General of Austria; Ricardo Antezana, the Consul of Bolivia; Hans Weder, the Consul of Switzerland; Kerry Monterey, the Consul of Chile; Ronald Masnik, the Consul of Belgium; Norman Westerberg, the Consul of Finland; Richard Seaborn, the Consul of Canada and Roger Gotteland, the Consul Emeritus of France p. 252

CONSUMER PROTECTION

Alternate operator services, registration and service requirements: *HB 2526, CH 247 (1990), SB 6770, SSB 6770

Automobile insurance, denial cannot be based on applicant's credit report: SB 6466

Automobile rentals, collision damage waivers, disclosure requirements: SSB 5148, 2SSB 5148

Civil investigative demands, confidentiality of, exceptions: SB 6330, *SSB 6330, CH 199 (1990)

Complaint processing, consumer protection commission duties: SB 6432

Confidentiality of civil investigative demands, exceptions: SB 6330, *SSB 6330, CH 199 (1990)

Consumer petroleum pricing, creating joint select committee on the economic impact of: SCR 8432

Consumer protection commission, membership and duties: SB 6432

Credit reports, use of social security number or other identification to avoid confusion with other buyers' reports: SB 6791

Facsimile transmissions, unsolicited commercial transmissions prohibited: *HB 2299, CH 221 (1990)

Food fish labeling act: SB 6342

Motor vehicles, subleasing or transfer of ownership, unlawful practices: SHB 2251

Motor vehicles, unlawful transfer of ownership or subleasing practices: *SSB 6167, CH 44 (1990)

Rental cars, liability limited: 2SSB 5148

Subleasing or transfer of ownership of motor vehicle, unlawful practices: SHB 2251

Telephone solicitation, persons who do not wish to receive, local exchange company to make directory, penalty for contacting listed person: SB 6772

Vocational schools, private, counseling obligations, unfair recruiting practices, penalties: SHB 2915

Water treatment device sales regulated: SB 6237

CONTRACTORS

- Advertising, broadcast advertising need not show current registration number: *HB 1523, CH 46 (1990)
- Advertising, print ads to show current registration number, broadcast ads require proof of current registration to broadcaster: 2SSB 5307
- Building code education and training requirements: SHB 2516
- Construction liens, department of labor and industries to provide informational material regarding: HB 2502, *SB 6470, CH 81 (1990)
- Construction liens, revised act: SB 6238, SSB 6238
- Construction loans, management of and liability for proceeds: SB 6655
- Contractors' recovery fund, persons injured by registered contractor, recovery from fund: SB 6790
- Fire protection sprinkler system contractors, licensing requirements: *SHB 2342, CH 177 (1990), SB 6366
- Licensing, building code education and training requirements: SHB 2516
- Recovery fund, persons injured by registered contractor, recovery from fund: SB 6790

CONTRACTS

- Motor vehicle service contracts, required disclosures and conditions: *SHB 2430, CH 239 (1990), SHB 2955
- Real estate contract forfeitures, "cure the default" includes payment of attorneys fees: SB 6479

CONVENTION AND TRADE CENTERS

- Low-income housing, funding for construction near state convention and trade center: *HB 2988, CH 181 (1990)
- State, low-income housing, funding for construction near: *HB 2988, CH 181 (1990)
- Tax proceeds, use for maintenance and operation authorized: *HB 2475, CH 242 (1990)

CORPORAL PUNISHMENT

- Child care facilities, when allowed: SB 5076
- Prohibited in schools: HB 2654, SB 6225

CORPORATIONS

- Administrative rules, procedure for obtaining review of allegedly unfair regulations: SSB 5542
- Annual report filing fees, collection by business license center authorized: SSB 6664
- Business corporation act, technical revisions to replacement act: SB 6389, *SB 6389, CH 178 (1990)
- Conforming amendments to change references in statutes to refer to Title 23B RCW: SB 6665
- Financial institutions, department of, creation, organization, and duties: SB 6371
- Nonresident status, acceptable proof for sales tax exemption: SB 6350
- Sales tax exemption, acceptable proof of nonresident status for: SB 6350
- State trust funds, corporate officer is personally liable for nonpayment when corporation terminates: SHB 1577

CORRECTIONS, DEPARTMENT OF

- Boot camp program for adult offenders, administration: SB 5455
- Boot camp program for first-time offenders, pilot program: SB 6595
- Correctional facilities siting authority, membership and duties: SB 6803
- Correctional industries, clothing manufactured by class II industries, donation to nonprofit organization distributing free to low-income persons: *SSB 6473, CH 22 (1990)
- Correctional industries, private sector sales by tax reduction industries, authorization: SB 6401

CORRECTIONS, DEPARTMENT OF—cont.

- Correctional industries, sale to private contractors authorized when public agency or nonprofit organization is ultimate user: SB 6473, *SSB 6473, CH 22 (1990)
- Inmate labor, use in construction, repair, or modification of correctional facilities: SB 6723
- Inmate work programs: SB 6581, SSB 6581
- Litter cleanup, to assist local government in establishing community service programs for offenders: *SHB 2513, CH 66 (1990)
- Mitigation funds to offset effects on communities from the relocation of families to be near incarcerated offenders, payment to counties: SB 6114
- Population limits at correctional institutions removed: *HB 2939, CH 302 (1990)
- Prisoner care and maintenance costs, recovery from prisoner, duties: SB 5537, SSB 5537
- Private contractors, sale of products of correctional industries to, authorized when public agency or nonprofit organization is ultimate user: SB 6473, *SSB 6473, CH 22 (1990)
- Private sector sales, tax reduction correctional industries, authorization: SB 6401
- Sexually explicit mail, inmates prohibited from receiving: SB 6778
- Siting and construction of additional facilities, correctional facilities siting authority duties: SB 6803
- Tax reduction correctional industries, private sector sales authorized: SB 6401

COSMETICS

- Formaldehyde, nail products containing, warning label required: SB 5962
- Nail-care products containing formaldehyde, warning label required on products: SB 5962
- Transportation of food, drugs, or cosmetics in vehicle used to transport hazardous or solid waste prohibited: SB 6185

COSMETOLOGY

- Booth-renting cosmetologist required to have shop license: 2SHB 1366
- Cosmetologists, barbers, and manicurists, licensing requirements: 2SHB 1366
- Schools, barbering and manicuring instructors, licensing requirements: 2SHB 1366

COUNSELORS

- Licensing, exemption for counselors working for public or private nonprofit organizations or charities: SB 6881

COUNTIES

- At-risk youth programs, funding and program requirements: SB 6610
- Building codes, power to amend limited: SB 5797
- Charters, alternative method for framing, constitutional amendment: HJR 4200
- Conservation areas, authorization to impose real estate excise tax to fund acquisition of: SB 6639, *SSB 6639, CH 5 E1 (1990)
- Criminal justice assistance, distribution from motor vehicle excise tax revenues: SB 6904
- Criminal justice plan, filing with department of community development: SB 6904
- Criminal justice services, financing assistance: SHB 2833
- Criminal justice services, funding: *SB 6913, CH 1 E2 (1990)
- Criminal justice services, funding assistance: SB 6909
- Criminal justice services, optional local sales tax for: *SB 6913, CH 1 E2 (1990)
- Disability leave for law enforcement officers and fire fighters, duty to provide: SB 6718
- Edgestripping, to place visible stripe at edge of certain paved roads: SSB 5491
- Employer tax, authority to impose: SHB 2833
- Ferries, deficit reimbursement: SB 6406
- Finances, task force on city and county finances, membership and duties: *SB 6913, CH 1 E2 (1990)

COUNTIES—cont.

- Flood insurance, national program, local government may elect not to participate, limits on state regulatory authority: SB 6179
- Forest board land timber sales, compensation for losses from, determination of amount: SB 6829
- Forest land, acquisition of lands taken by state, conditions: SB 6867
- Gambling tax revenue, authorization to use for local law enforcement expenses: SB 6763
- Growth planning, coordination of state and local government planning: *SHB 2929, CH 17 E1 (1990)
- Horticultural pest and disease control boards, destruction of infested plants without owner's consent, procedure: SB 6353
- Human remains, responsibility for transportation costs to site other than funeral establishment, conditions and limitation: SHB 2279
- Impact fees, authority to assess on new residential and commercial development, conditions: SB 6895
- Invalidation of local law, revised law must seek to cure legal defect causing invalidation, penalties for failure to make good faith effort: SB 6769
- Litter and illegal dumping, funding and community service assistance in cleanup: SHB 2513
- Local criminal justice assistance board, financing and grants-in-aid to counties, duties: SHB 2833
- Metropolitan municipal corporations, home rule counties may assume duties of corporation: SHB 2030
- Misdemeanors, uniform penalties: SB 6751
- Mitigation funds to offset effects on communities from the relocation of families to be near incarcerated offenders, payment to counties: SB 6114
- Mobile home park closure or conversion, to designate agency to evaluate and approve plans: SB 5559, SSB 5559
- Property tax levy rates: SB 6455
- Public corporations, review and decision making authority over: SB 6474, SSB 6474
- Public facility tax, Pacific Ocean bordering counties, authority to levy special tax on lodging: SB 6857
- Real estate excise tax, authority to impose additional tax on sales in unincorporated areas: HB 3036
- Real estate excise tax, authorized to impose to fund acquisition of local conservation areas: SB 6639, *SSB 6639, CH 5 E1 (1990)
- Regional mental health networks, counties with combined populations of six hundred thousand or more may establish: SB 5504
- Regional mental health networks to provide residential care to adults: SB 5504
- Regional mental health support networks, block grants, date to receive set: *SB 6344, CH 8 E1 (1990)
- Regional mental health support networks, time limits for counties wishing to be recognized as extended: *SB 6344, CH 8 E1 (1990)
- Reserved timber, compensation for losses resulting from limits on sales to qualified enterprises: SHB 3016
- Revenue sources and levels: SHB 2833
- Road administration board, executive director position created: *HB 2840, CH 266 (1990)
- Roads, vacation of road abutting body of water, resale to party from whom the county originally obtained property: SB 6900
- Sales tax, optional local tax for criminal justice services, voter approval and expiration of authority: *SB 6913, CH 1 E2 (1990)
- School impact fees, imposition and collection: SB 6656
- Seed capital pools, creation authorized: HB 1423

COUNTIES—cont.

- Sheriff's office, transfer of officers to classified civil service positions: SB 5587, SSB 5587
- Small works roster, uniform process to award contracts: SHB 2992
- Solid waste systems and plants contracts, procedure, compliance standards for counties with over one hundred thousand population: *SHB 2854, CH 279 (1990)
- Solid waste systems and plants contracts, procedure, effective date for counties with over one hundred thousand population: SHB 2854, SB 6745
- Street utility charges: *SSB 6358, CH 42 (1990)
- Subdivision approval, additional requirements and conditions: SB 6895
- Task force on city and county finances, membership and duties: *SB 6913, CH 1 E2 (1990)
- Taxes, revenue sources and levels: SHB 2833
- Vacation of road abutting body of water, resale to party from whom county originally obtained property: SB 6900
- Water-efficient landscaping ordinances, authorization to enact: SB 6509

COUNTY ASSESSORS

- Comparable sales, valuation of real property for tax purposes, use discretionary: SB 6863
- Computer software, listing and assessment for tax purposes to be on 1989 basis: *SSB 6859, CH 255 (1990)
- Mobile home relocation fund assessments, compilation of list of persons subject to assessment, alternate method: SB 6209
- Revaluation of property: SB 6497
- Valuation, credit for non-portable personal property on which excise tax has been paid: SB 6232, SSB 6232

COUNTY AUDITORS

- Motor vehicle licensing and permit fees collected by auditors and subagents adjusted: SB 5568, SSB 5568
- Motor vehicle licensing and permit fees collected by subagents adjusted: 2SSB 5568
- Special district elections, districts with fewer than 500 voters, to conduct: 2SHB 1911
- Subagents, motor vehicle licensing and permit fees collected by, rate adjustment: 2SSB 5568
- Voter registration by mail, duties: SHB 3000

COUNTY CLERKS

- Adoption assistance resources, referrals by clerk: SB 6494, *SSB 6494, CH 146 (1990)
- Juror summons, clerk may assume responsibility for all courts: *HB 2306, CH 140 (1990)

COUNTY COMMISSIONERS

- Emergency services communications systems excise tax rate to be determined by legislative authority: SB 6214, SSB 6214
- Five member boards, increase to, procedure: *HB 2859, CH 252 (1990)

COUNTY ROAD ADMINISTRATION BOARD

- Executive director position created: *HB 2840, CH 266 (1990)

COUNTY TREASURERS

- Mobile home relocation fund assessments, compilation of list of persons subject to assessment, alternate method, use by county treasurers: SB 6209
- Transportation vehicle fund, to be maintained for each school district in county: HB 2707

COURTS, OFFICE OF THE ADMINISTRATOR

Child support schedule, to develop forms for use with: *HB 2888, CH 2 E1 (1990)
 Jury lists, to conduct computer simulation of merged jury list and develop plan to implement: SSB 5953

COURTS (See also SUPREME COURT, COURT OF APPEALS, SUPERIOR COURT, DISTRICT COURT, MUNICIPAL COURT)

Commissioners, appointment: *HB 2808, CH 191 (1990)
 County courts, filing fees, distribution: SHB 2833
 Filing fees, county courts, distribution: SHB 2833
 Interpreters, appointment in legal proceedings involving non-English-speaking person, exceptions: *SB 6571, CH 183 (1990)
 Juror summons, county clerk may assume responsibility for all courts: *HB 2306, CH 140 (1990)
 Protection and antiharassment orders, hearing and effective dates: HB 2300

COYLE, MATTHEW

Member, board of tax appeals, GA 9154 pp. 16.1472

CRAB

Fishing in coastal waters, licensing, separate licensing of coastal and Puget Sound districts authorized: HB 1648

CRASWELL, SENATOR ELLEN (See also VICE PRESIDENT PRO TEMPORE; also RULINGS AND REPLIES BY VICE PRESIDENT PRO TEMPORE; also PARLIAMENTARY INQUIRIES)

Appointed children and family services, vice chair;
 ways and means, vice chair; education
 and rules committees pp. 11.12

CREDIT

Agreements, enforceability, notice requirements, exceptions: *2SHB 1653, CH 211 (1990)
 Agreements, oral agreements or commitments, enforceability: *2SHB 1653, CH 211 (1990)
 Agreements, requisites: SB 6548
 Automobile insurance, denial cannot be based on applicant's credit report: SB 6466
 Credit reporting agencies, not to give names of entities requesting credit information without permission of applicant: SB 6804, SSB 6804
 Information, reporting agencies not to give names of entities seeking credit information without permission of applicant: SB 6804, SSB 6804
 Reports, use of social security number or other identification to avoid confusion with other buyers' reports: SB 6791
 State agencies may report receivables to credit reporting agencies: HB 2353, SB 6328

CREDIT CARDS

Check cashing identification, card number may not be recorded when presented as: *SSB 5340, CH 203 (1990)
 Check cashing identification, misdemeanor to record credit card number or expiration date when used as: HB 2261
 Telephone, sale or publication of card numbers, gross misdemeanor: SHB 2789, SB 6572, *SSB 6572, CH 11 (1990)

CREDIT SERVICES ORGANIZATIONS

Credit reports, use of social security number or other identification to avoid confusion with other buyers' reports: SB 6791

CRIME PREVENTION

Crime stoppers assistance office, creation and duties, financial assistance to local programs: SB 6215, SSB 6215

CRIMES

Animals, use of live animals as bait, prey, or targets for purpose of training animals prohibited, penalties: SB 6195

Arson, second degree, basis of charge of murder in the first degree when death results from: SB 6467, *SSB 6467, CH 200 (1990)

Arson, tampering with fire alarms or equipment with intent to commit arson, felony: *SHB 2342, CH 177 (1990)

Arson, tampering with fire fighting equipment with intent to commit arson, felony: HB 2341

Assault on transit or school bus driver, penalties: SB 6255, *SSB 6255, CH 236 (1990)

Automobile liability insurance, failure to carry, gross misdemeanor: SB 6877

Boats, failure to stop at request of law enforcement officer, gross misdemeanor: *HB 2429, CH 235 (1990)

Brokering and subleasing of motor vehicles, unlawful practices, penalties: SB 6167

Brokers, transfer of vehicles without transfer of title prohibited, penalties: SB 6169

Bus drivers, assault on transit or school bus driver, penalties: SB 6255, *SSB 6255, CH 236 (1990)

Cemeteries, willful damage to, gross misdemeanor: *HB 2335, CH 92 (1990), SB 6379, SB 6661

Check cashing identification, misdemeanor to record credit card number or expiration date when used as: HB 2261

Checks, unlawful issuance of, amount increased for determination of degree of offense: SB 6319

Child selling, provision of maternity services not a purchase or sale: SB 6494

Commercial vessels, negligent operation of: *SB 6335, CH 31 (1990)

Computer trespass, form of telecommunications fraud: *SSB 6572, CH 11 (1990)

Controlled substances, delivery of schedule I or II drugs, offenses committed on or near school grounds, death penalty: SB 6631

Controlled substances, penalties increased for manufacture or sale on or near public buses and parks: *SHB 2336, CH 244 (1990), SB 6856

Credit cards, misdemeanor to record credit card number or expiration date when display required as check cashing identification: HB 2261

Depictions of minors engaged in sexually explicit conduct, possession of, class C felony: *SHB 2752, CH 155 (1990)

Depictions of minors engaged in sexually explicit conduct, redefinition of offense, penalties: SHB 2752

Dogs and cats, use as bait, prey, or targets for purpose of training animals prohibited, penalties: *SSB 6195, CH 226 (1990)

Dogs, entering in dog fight, class B felony: SB 6262, SSB 6262

Driving under influence of alcohol, driver's license suspension or revocation, expedited procedure: SB 6359

Driving while intoxicated, community service options: SB 6793

Driving with suspended or revoked license, penalties: SB 6522

Drug crimes, penalties increased: SB 6596

Drugs, cancellation of license plates and registration, revocation of driver's license: SB 6596

Eluding or attempting to elude a law enforcement vessel, class C felony: *HB 2429, CH 235 (1990), SB 6648

Enticement for purpose of committing a sexual offense, gross misdemeanor: HB 2746

Failure to comply, occupants of motor vehicles who fail to appear, gross misdemeanor: HB 2575

CRIMES—cont.

- Failure to comply, two or more instances of failure to respond or appear constitute: SB 6523, SB 6608, *SSB 6608, CH 210 (1990)
- Fire alarms or equipment, tampering with intent to commit arson, felony: *SHB 2342, CH 177 (1990)
- Fire fighting equipment, tampering with intent to commit arson, felony: HB 2341
- Fire sprinkler systems, installation of inoperable systems, class C felony: HB 2340
- Firearms, unlawful firearm storage, minor obtains and exhibits publicly or threateningly, gross misdemeanor: SB 6341
- Firearms, unlawful firearm storage, minor obtains and uses to inflict death or injury, class C felony: SB 6341
- Firearms, unlawful possession, conviction of crime of domestic violence: SHB 2827
- Fisheries laws violations, penalties set: SB 6377, *SSB 6377, CH 144 (1990)
- Fraud in obtaining telecommunications services: SHB 2789, SB 6572, *SSB 6572, CH 11 (1990)
- Graves, disturbing of grave or human remains, class C felony: *HB 2335, CH 92 (1990), SB 6379, SB 6661
- Health care facility access, interference with, gross misdemeanor, action for civil damages: SHB 2622, SB 6599
- Hounds, restrictions on the use of hounds in hunting or pursuing game animals, penalties set for violations: SB 6197
- Human remains, disturbance or removal of, class C felony: *HB 2335, CH 92 (1990), SB 6379, SB 6661
- Industrial loan companies, willful and knowing violation of chapter or rule regulating, misdemeanor: SB 6833
- Law enforcement vessels, eluding or attempting to elude, class C felony: *HB 2429, CH 235 (1990), SB 6648
- Littering, minimum fine raised to one thousand dollars: SB 6369
- Minors, depicted in sexually explicit conduct, redefinition of offense, penalties: SHB 2752
- Minors, depictions of minors engaged in sexually explicit conduct, possession of: *SHB 2752, CH 155 (1990)
- Minors, matter harmful to, sale or distribution of, misdemeanor: SB 6670, SSB 6670
- Misdemeanors, uniform penalties: SB 6751
- Motor vehicles, transfer of vehicles by brokers without transfer of title prohibited, penalties: SB 6169
- Motor vehicles, unlawful brokering and subleasing practices, penalties: SB 6167
- Motor vehicles, unlawful subleasing or transfer of ownership: SHB 2251
- Motor vehicles, unlawful transfer of ownership or subleasing, penalties: *SB 6167, CH 44 (1990)
- Murder, first degree, when death is caused by commission or attempt to commit second degree arson: SB 6467, *SSB 6467, CH 200 (1990)
- Residential burglary, calculation of offense score for: SB 6236
- Residential burglary, juvenile offenders, punishment and supervision options: SB 6841, SSB 6841
- Robbery, value of stolen property is its replacement value: SB 6678
- Rural mailboxes, damage or destruction of, malicious mischief in the second degree: SB 6321
- Sexual contact with person under eighteen other than lawfully wedded spouse: SB 6273
- Sexual exploitation of child, defense that defendant made reasonable effort to determine age of child: SB 6587
- Sexual offenders, failure to register when required, class C felony: SB 6206
- Sexually explicit conduct, depictions of minors engaged in, possession of, class C felony: *SHB 2752, CH 155 (1990)
- Shoplifting, leaving store or establishment element of offense: SB 6504
- Sludge dispersal, unlawful, class C felony: SB 6363

CRIMES—cont.

Stolen property, possession of, value increased for determination of degree of offense: SB 6319

Stolen property, value is its replacement value: SB 6678

Subleasing and brokering of motor vehicles, unlawful practices, penalties: SB 6167

Subleasing or transfer of ownership of motor vehicles, unlawful practices: *SB 6167, CH 44 (1990)

Teachers, abuse of, use of abusive language to teacher made a misdemeanor: HB 1673

Telecommunications fraud: SHB 2789, SB 6572, *SSB 6572, CH 11 (1990)

Telephone credit card numbers, sale or publication, gross misdemeanor: SHB 2789, SB 6572, *SSB 6572, CH 11 (1990)

Theft, increase in value of property for determination of degree of theft: SB 6319

Theft, value of stolen property is its replacement value: SB 6678

Titles, auto transfer brokers, transfer of vehicles without transfer of title prohibited, penalties: SB 6169

Traffic accidents, failure to stop or comply, penalty: SB 6521

Transfer brokers, transfer of vehicles without transfer of title prohibited, penalties: SB 6169

Transfer of ownership or subleasing of motor vehicles, unlawful practices, penalties: *SSB 6167, CH 44 (1990)

Vessels, willful failure to stop for law enforcement officer, misdemeanor: SB 6648

CRIMINAL JUSTICE SERVICES

Assistance to cities and counties, distribution from motor vehicle excise tax revenues: SB 6904

Constitutional amendment to allow cities to levy additional tax for: SJR 8240

Constitutional amendment to allow counties to levy additional tax for criminal justice services: SJR 8234, SJR 8235

Criminal justice coordinating council, membership and duties: SB 6621

Criminal justice plan, local government to file with department of community development: SB 6904

Funding: SB 6909

Local criminal justice advisory group, membership and duties: SB 6909

Local criminal justice enhancement program: SB 6621

Local government criminal justice assistance account: SB 6547, SSB 6547

Local justice assistance board, membership and duties: SHB 2833

Local programs, funding provisions: SB 6547, SSB 6547

Motor vehicle excise tax, distribution to local criminal justice assistance account: SB 6904

Yakima county, enhancement of services, appropriation to provide grant for: SB 6910

CRIMINAL JUSTICE TRAINING COMMISSION

D.A.R.E. program, increased appropriation to support four additional officer training classes in drug abuse prevention: SB 6198

CRIMINAL OFFENDERS

Governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)

Governor's community protection act, technical amendments: *SB 6906, CH 12 E1 (1990)

Litter and illegal dumping, nonviolent drug offenders, participation in community service cleanup programs: *SHB 2513, CH 66 (1990)

Reporting to law enforcement authorities upon release from prison, requirements: SB 6744

Violent and sexual offenders, governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)

CRIMINAL PROCEDURE

- Child abuse victims, testimony by closed-circuit television: *SHB 2809, CH 150 (1990)
- Closed-circuit television, testimony of child abuse victims: *SHB 2809, CH 150 (1990)
- Defendant, when able, required to pay costs of jail processing: SSB 5547
- Defenses, mental condition defenses: HB 2456
- Diminished capacity: HB 2456
- Jail labor, reduction in amount of outstanding fines and costs, rate increase: SB 6676
- Jail processing costs, defendant, when able, required to pay costs: SSB 5547
- Video testimony allowed by children under ten who are sexual abuse victims: SJR 8231

CROSS, VIRGINIA

- Reappointed trustee, Green River community college district no. 10, GA 9155, confirmed pp. 22,225,348

CURTIS, ARTHUR D.

- Reappointed member, sentencing guidelines commission, GA 9156, confirmed pp. 18,309,469

DAIRY PRINCESS

- Princess Shelly Erickson, introduced and addressed senate p. 324
- Alternate princess Jami DeLong introduced p. 324
- 1990 dairy family of the year, the Stremier family, introduced p. 324

DAMAGES

- Driving while intoxicated, punitive damages for injury or wrongful death: SHB 2459
- Joint and several liability, limited to total of proportionate shares of economic damages: SB 6813
- Proportionate share, determination when multiple parties are at fault: SB 6813

D.A.R.E. PROGRAM

- Appropriation to criminal justice training commission to support four additional officer training classes in drug abuse prevention: SB 6198

DAVIDSON, JON ERIC

- Eagle scout presented colors p. 380

DAWSON, EUGENE

- Vice chairman, United States export/import bank, introduced p. 63

DAY CARE

- Agencies and providers, licensing requirements: SB 6475, SSB 6475
- Before and after school child care program created: 2SHB 2471, SB 6217
- Centers, licensing only prerequisite to operation: SB 6757
- Corporal punishment, when allowed: SB 5076
- Homeless families, child care services for: SB 6516, SSB 6516, 2SSB 6516
- Intergenerational child care program to be developed by department of community development: SB 5821
- Licensing requirements, providers and agencies: SB 6475, SSB 6475
- Providers and agencies, licensing requirements: SB 6475, SSB 6475
- Providers, defined: SB 6475, SSB 6475
- School districts authorized to provide on-site day care for educational employees: SSB 5522

DEAF PERSONS

- Drivers' licenses, hearing loss may not be used as a basis for imposing restriction or condition on license: SB 6636
- Drivers' licenses, restrictions not to be imposed on licensee whose only impairment is hearing loss: SB 6637
- Telecommunications devices for, expiration date repealed: SB 6290, *SSB 6290, CH 89 (1990)
- Telecommunications devices for, implementation and funding: SB 6290, *SSB 6290, CH 89 (1990)

DEAF, STATE SCHOOL FOR

- Benny Dockter, reappointed trustee, GA 9209 pp. 25,663

DEATH PENALTY

- Controlled substances, delivery of schedule I or II drugs, offenses committed on or near school grounds: SB 6631
- Drug offenses, death penalty to be imposed for serious drug offenses: SB 6177
- Execution date stayed, automatically reset for thirty days after termination of stay: *HB 2714, CH 263 (1990)
- Mentally retarded offenders not subject to: SB 6489

DEBATE LIMITED

- Motion by Senator Newhouse p. 395
- Motion by Senator Newhouse p. 779
- Motion to by Senator Newhouse p. 1865

DEEDS

- Deed of trust act, enforcement of liens and security interests: *SB 6396, CH 111 (1990)
- Deed of trust act, foreclosure: *SB 6396, CH 111 (1990)

DEER

- Damages caused by deer and elk, maximum amount of claim raised: SB 6176

DEFERRED COMPENSATION

- Payment to spouse or ex-spouse per court decree of dissolution or separation: HB 2890

DEHMELT, DR. AND MRS. HANS

- SFR 1990-8746 p. 1106
- Introduced and Dr. addressed senate p. 1107

DEJARNATT, SENATOR ARLIE U.

- Appointed environment and natural resources, governmental operations and transportation committees pp. 11,12

DELONG, JAMI

- Alternate dairy princess introduced p. 324

DENTAL SERVICES

- Training and career mobility, study and report to legislature: SB 5744, SSB 5744

DENTISTS

- Prescriptions, out of state prescriptions may be filled by pharmacies in Washington: *SSB 5594, CH 219 (1990)

DENTURISTS

- Certification required, fields of practice specified: SB 5490, SB 6855

DEVELOPMENTALLY DISABLED

- Community residential programs: SB 6462, SSB 6462
- Conservation corps, participating agencies encouraged to enlist developmentally disabled: *HB 2289, CH 71 (1990)

DEVELOPMENTALLY DISABLED—cont.

- "Developmental disability" to be redefined on the basis of a person's functional limitations: SB 5620, SSB 5620
- Disabilities land trust created to maximize use of funds from use of lands acquired to provide institutional services: SSB 5516
- Enticement for purpose of sexual contact or gratification, gross misdemeanor: HB 2746
- Prevailing wage law, exemption for disabled workers: SB 6629
- Prevailing wage law, exemption for disabled workers employed in sheltered workshop: SSB 6629
- Residential services, community programs: SB 6462, SSB 6462

DIGULIO, DANIEL

- Reappointed member, juvenile disposition standards board, GA 9261 p. 1801

DIABETES

- Education, health insurance coverage of expenses required: SHB 2583

DISABLED PERSONS

- Early intervention services for infants and toddlers with disabilities: SB 6316, SB 6542, SSB 6542
- Fishing from boats, use of power fishing reels authorized: SSB 5688
- Guide dogs, discrimination prohibited in real estate transactions with disabled persons using: SB 5622
- Infants and toddlers with disabilities, early intervention services for: SB 6316, SB 6542, SSB 6542
- Infants and toddlers with disabilities, local interagency coordinating councils on, organization and duties: SB 6316, SB 6542, SSB 6542
- Infants and toddlers with disabilities, state interagency coordinating council on, membership and duties: SB 6316, SB 6542, SSB 6542
- Long-term care: SB 5056
- Parking permits, eligibility for: *HB 2842, CH 24 (1990)
- Power fishing reels, use by disabled persons fishing from boats authorized: SSB 5688
- Property tax exemptions and deferrals for persons retired because of physical disability, formula for determination of exemption amount: SB 6874
- Specialized transportation services account: SB 6894
- Students in higher education with disabilities, task force on: *HB 2441, CH 86 (1990)
- Transportation, appropriation to provide specialized transportation services for: SB 6894
- Utility rates, reduced rates for low income disabled citizens: *SB 6802, CH 164 (1990)

DISCRIMINATION

- African-American affairs, state commission to be established in the office of the governor: SHB 2084
- Clubs practicing discrimination are not entitled to class H liquor license: SB 6582
- Employment, prohibited for refusal to work overtime: SB 6905
- Familial status, discrimination in real estate transactions on account of prohibited: SHB 1746
- Familial status or sexual orientation, discrimination on basis of, within jurisdiction of human rights commission: SHB 2072
- Guide dogs, discrimination prohibited in real estate transactions with physically disabled persons using: SB 5622
- Magnet school program, financial assistance to schools to eliminate minority group isolation in public schools: SB 2517, SB 6171, SSB 6171
- Minority justice commission, membership and duties: SHB 3006

DISCRIMINATION—cont.

- Overtime work, employment discrimination for refusal to work prohibited: SB 6905
- Sexual orientation or familial status, discrimination on basis of, within jurisdiction of human rights commission: SHB 2072

DISPUTE RESOLUTION CENTERS

- District court filing fee surcharge authorized to fund: SB 6499, *SSB 6499, CH 172 (1990).
- Small claims court, filing fee surcharge authorized to fund: *SSB 6499, CH 172 (1990)

DISSOLUTION OF MARRIAGE

- Community property divisions, enforcement of payments: 2SHB 2154
- Compensatory maintenance: SHB 2827
- Deferred compensation, payment to spouse or ex-spouse per court decree of dissolution or separation: HB 2890
- Grounds established: SB 5349, SSB 5349
- Maintenance orders: SB 6651
- Maintenance orders, enforcement: SHB 2827
- Maintenance orders, mandatory wage assignment: SHB 2827
- Parenting plans, modification of, when court may modify: SHB 2887
- Petition must set forth grounds on which dissolution is sought: SB 5349, SSB 5349
- Retirement benefits, mandatory assignment for spousal maintenance obligation, procedure: 2SHB 2154
- Spousal maintenance obligation, mandatory assignment of retirement benefits, procedure: 2SHB 2154

DISTRESSED AREAS

- Labor surplus areas, term substituted for the term distressed areas: SB 6199
- Self-help projects, technical support to community-based projects: SB 5104
- Technical assistance grants to community-based groups for redevelopment projects in low-income areas: SSB 5104, 2SSB 5104
- Technical support for community-based self-help projects: SB 5104
- Terminology change, term labor surplus areas to be substituted for the term distressed areas: SB 6199
- Washington state economic diversification project: SB 6766

DISTRICT COURT

- Dispute resolution centers, filing fee surcharge authorized to fund: SB 6499, *SSB 6499, CH 172 (1990)
- Electoral districts, establishment, requirements: *SHB 2709, CH 257 (1990)
- Filing fees, surcharge authorized to fund dispute resolution centers: SB 6499, *SSB 6499, CH 172 (1990)
- Judges, determination of number of judges in electoral district: SHB 2709, SB 6657, SSB 6657
- Judges, electoral districts, establishment for election of: *SHB 2709, CH 257 (1990)
- Pro tempore municipal court judges, appointment of district judges as, authorized in cities over 400,000: *HB 2492, CH 182 (1990)
- Service of process by mail authorized: SB 6239, SSB 6239
- Traffic infractions, deferral of determination: HB 2404

DIVERS, COMMERCIAL

- Licensing of commercial divers and dive tenders: SHB 2452
- Shellfish divers, certification and safety requirements: SHB 2452

DIXON, DICK

- Reappointed member, parks and recreation commission,
GA 9157

p. 13

DNA (DEOXYRIBONUCLEIC ACID)

- Identification system, local systems: SB 6729, *SSB 6729, CH 230 (1990)
- Identification system, state patrol to adopt rules to implement: SHB 2349

DOCKTER, BENNIE

- Reappointed trustee, state school for the deaf,
GA 9209 pp. 25,663

DOGS (See also ANIMALS)

- Dangerous dogs, hearing to determine, procedure: SB 6262, SSB 6262
- Entering dog in dog fight, class B felony: SB 6262, SSB 6262
- Guide dogs, discrimination prohibited in real estate transactions with physically disabled persons using: SB 5622
- Hounds, restrictions on the use of hounds in hunting or pursuing game animals, penalties set for violations: SB 6197
- Use as bait, prey, or targets for purpose of training animals prohibited, penalties: *SSB 6195, CH 226 (1990)

DOLLIVER, THE HONORABLE JUDGE JAMES M.

- Introduced and administered oath of office to Senator
Mike Patrick p. 2

DOMESTIC VIOLENCE

- Commission on domestic violence, membership and duties: SB 6351, SSB 6351
- Educational brochures, distribution: SB 6351, SSB 6351
- Firearms, person convicted of domestic violence ineligible for concealed weapons permit: SB 6351, SSB 6351
- Interpersonal violence, joint select committee on: SCR 8433, SSCR 8433
- Protection orders, hearing and effective dates: HB 2300
- Protection orders, valid for twenty-one days: SB 6351, SSB 6351
- Shelters, to be at least one in every superior court district: SB 6351, SSB 6351

DONOHUE, PATRICK F.

- Trustee, Wala Walla community college
district no. 20, GA 9131, confirmed pp. 134,182

DOTZAUER, RONALD

- Trustee, Central Washington University,
GA 9132, confirmed pp. 250,292

DOUGLASS, HARLAN

- Reappointed member, housing finance commission, GA 9158 p. 15

DRAINAGE

- Natural watercourses, may not increase flow beyond the capacity of the watercourse to convey: SB 6539

DRIVERS' LICENSES

- Administrative revocation following arrest for driving while intoxicated, procedure: SSB 6710
- Commercial driver's license, exemption for law enforcement officers: *SB 6464, CH 56 (1990)
- Commercial driver's licenses, horse trailers, exemption for persons towing: *SB 6464, CH 56 (1990), SB 6561
- Driving while intoxicated, administrative revocation of license: SSB 6710
- Driving while intoxicated, suspension, revocation, or denial of license: SB 6710
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses: SB 6174, SSB 6174
- Drug offense conviction, revocation of license: SB 6596
- Examination, waiver of driving examination for drivers surrendering valid out-of-state license: *SB 6558, CH 9 (1990)
- Fictitious or fraudulently altered, possession or display of, misdemeanor: SB 6524

DRIVERS' LICENSES—cont.

- Hearing loss, may not be used as a basis for imposing restriction or condition on license: SB 6636
- Hearing-impaired, restrictions not to be imposed on licensee whose only impairment is hearing loss: SB 6637
- Law enforcement officers, exemption from commercial driver's license requirements: *SB 6464, CH 56 (1990)
- Parking violations, satisfaction before renewal may be issued: SB 6909
- Revocation of driving privileges for alcohol or drug offenses: HB 2425
- Revoked or suspended, display of, traffic infraction: SB 6524
- State employee, operation of state-owned vehicles, driver's license, proof required: HB 2803, *SB 6673, CH 75 (1990)
- Suspended or revoked status, driving while in, penalties: SB 6522
- Suspension or revocation for driving under influence of alcohol, expedited procedure: SB 6359
- Technical corrections to licensing laws: SHB 1465
- Voter registration, may register when applying for or renewing driver's license: SB 6031, *SSB 6031, CH 143 (1990)
- Voter registration or transfer when applying for or renewing driver's license: SHB 3000

DRIVING WHILE INTOXICATED

- Driver's license, administrative revocation for: SSB 6710
- Driver's license, suspension, revocation, or denial for: SB 6710
- Prevention and enforcement programs: SB 6710
- Testing procedures: SB 6710, SSB 6710

DRUG ABUSE TREATMENT

- Alcoholism and controlled substance abuse act, technical amendments: *2SHB 2986, CH 275 (1990)
- Confidentiality of patient records: SB 6312, SSB 6312
- Pregnancy, use of controlled substances and alcohol, local prevention programs: SB 6458
- Substance abuse, interdepartmental coordinating committee on, membership and duties: SSB 6710

DRUG ADDICTION TREATMENT

- Alcoholism and drug addiction treatment, technical changes to clarify existing law: *SHB 2385, CH 151 (1990), SB 6312, SSB 6312
- Involuntary commitment for treatment purposes, procedure: SB 6876

DRUGS

- Abuse issues course, required of teachers for initial certification: *HB 2331, CH 90 (1990)
- Assisted housing, drug prevention plan required: SHB 2971
- Constitutional state officers, mandatory drug testing: SB 6884
- Controlled substances and alcohol use during pregnancy, local prevention programs: SB 6458
- Controlled substances, forfeiture of vehicles used in illegal transfers of: *HB 2542, CH 248 (1990), SB 6633
- Controlled substances, penalties increased for manufacture or sale on or near public buses and parks: *SHB 2336, CH 244 (1990), SB 6856
- Crimes, cancellation of license plates and registration, revocation of driver's license: SB 6596
- Crimes, penalties increased: SB 6596
- Death penalty, delivery of schedule I or II controlled substances, offenses committed on or near school grounds: SB 6631
- Death penalty to be imposed for serious drug offenses: SB 6177
- Driving privileges, revocation for alcohol or drug offenses: HB 2425

DRUGS—cont.

- Driving while intoxicated, community service options: SB 6793
- Drug prevention plan for assisted housing, requirements: SHB 2971
- Firearms use in commission of drug crime, sentence to be increased by one hundred twenty-four months: SB 6317
- Forfeiture of drug-related real and personal property, revised provisions: SB 6204
- Forfeiture of vehicles used in illegal transfers of controlled substances: *HB 2542, CH 248 (1990), SB 6633
- Generic drugs, substitution of equivalent generic drug when prescription is issued in another state, when allowed: HB 2394, *SB 6192, CH 218 (1990)
- Information centers, appropriation to fund: SB 6249
- National guard resources, inventory of resources of assistance to law enforcement agencies in drug enforcement authorized: SB 6203
- Nurse practitioners, advanced, authorizing limited prescribing privileges: SHB 2451
- Offenses, death penalty to be imposed for serious drug offenses: SB 6177
- Pregnancy, use of controlled substances and alcohol, local prevention programs: SB 6458
- Pregnant women and newborn infants, testing for controlled substances, referral to health education and treatment: SB 6457
- Prescriptions, out of state veterinary and dentist prescriptions may be filled by pharmacies in Washington: *SSB 5594, CH 219 (1990)
- Seizure of drug-related real and personal property, revised provisions: SB 6204
- Sobriety checkpoints: SB 6710
- Substance abuse, interdepartmental coordinating committee on, membership and duties: SSB 6710
- Transportation of food, drugs, or cosmetics in vehicle used to transport hazardous or solid waste prohibited: SB 6185

DRUNK DRIVING

- Victims' impact panel, persons convicted of drunk driving to meet panel in addition to other penalties: SB 6082
- Victims' impact panels, organization and funding: SB 6082

DURABLE POWER OF ATTORNEY

- Health care decisions, execution and exercise: SB 5628

EARTHQUAKES

- Earthquake project and federal earthquake insurance, petitioning Congress to support: *SJM 8025 (1990)
- School buildings, seismic safety inspection requirements: SB 6227
- School districts to develop emergency procedures: SB 6227
- School preparedness policy, requirements: SB 6714, SB 6875
- Seismic events, creation of joint select committee on: SHCR 4429
- Students to be given instruction on earthquake emergencies: SB 6227

EASTERN STATE HOSPITAL ADVISORY BOARD

| | |
|---|--------|
| Scott Bond, member, GA 9254 | p. 576 |
| Leonard L. Heston, Dr., member, GA 9244 | p. 564 |
| Karen A. Kelly, member, GA 9245 | p. 564 |
| Kevin Kelly, member, GA 9246 | p. 564 |
| Pam Lucas, member, GA 9247 | p. 564 |
| John Murphy, member, GA 9248 | p. 564 |
| Averly Nelson, member, GA 9249 | p. 565 |
| E. Dan Pederson, member, GA 9253 | p. 565 |
| Thomas Roe, member, GA 9250 | p. 565 |
| Kathryn A. Sharp, member, GA 9256 | p. 576 |
| Jose R. Silvas, member, GA 9251 | p. 565 |

EASTERN STATE HOSPITAL ADVISORY BOARD—cont.

Michael J. South, member, GA 9252 p. 565

EASTERN WASHINGTON UNIVERSITY

Michael C. Ormsby, reappointed trustee, GA 9182 p. 19

ECOLOGY, DEPARTMENT OF

Aquaculture, floating, local government regulation, department of ecology to adopt guidelines, use required: SHB 1883

Aquaculture, floating, monitoring, data collection, and consideration of environmental impacts: SHB 1883

Diesel-powered vehicles, study and report on effect of emissions from, due January 1, 1990: HB 1950

Environmental coordination procedures act, permit applications, applicant's options: *SB 6172, CH 137 (1990)

Environmental coordination procedures act, transfer of administrative duties to department of trade and economic development: SB 6172

Hanford reservation released lands, authorization to sublease: SSB 5993

Hazardous substances releases, cleanup work, certificate of completion, recording in real property records, duties: SB 6912

Hazardous substances releases, recording in real property records, duties: SB 6912

Infectious waste, powers and duties: SB 6333

Jet aircraft emissions study: HB 2617

Medical waste, permit issuance for transportation of: SB 5446

Newsprint, programs to encourage recycling of: SB 6579, SSB 6579

Northwest low-level waste compact committee, director of department state representative to: SB 5935

Oil and hazardous materials spills, contingency plan requirements, duties: *2SHB 2494, CH 116 (1990)

Oil and hazardous substance spill and prevention, state-wide master contingency plan: *2SHB 2494, CH 116 (1990)

Oil and hazardous substance spill contingency plans, requirements: SB 6725

Oil and hazardous substance spills, authority of department to respond: *2SHB 2494, CH 116 (1990)

Oil recycling, duties: SHB 2569

Oil spills, contingency plan requirements, duties: *2SHB 2494, CH 116 (1990)

Ozone depleting chemicals, regulation of use of: SHB 2414

Puget Sound, office of, created in department: SB 6416

Radioactive materials handled under state licenses or permits, liability coverage requirements: SB 6575, *SSB 6575, CH 82 (1990)

Sludge dispersal, regulatory duties: SB 6363

Sludge utilization and disposal, study and reporting duties: SB 6173

Solid fuel burning devices, retail sales of, to set fee on stoves sold: *SSB 6698, CH 128 (1990)

Waste oil, transporting and processing, licensing duties: SHB 2569

Waste reduction, office of, duties: SB 6415

Waste reduction, recycling, and procurement plan for state agencies and local governments, development duties: SHB 2570

Water discharge fees, administrative expenses for indirect dischargers, when not recoverable: SB 6796

Water resources data management program, duties: *SHB 2932, CH 295 (1990)

Water resources information system: *SHB 2932, CH 295 (1990)

Water resources, regional comprehensive planning, duties: *SHB 2932, CH 295 (1990), SB 6779, SSB 6779, 2SSB 6779

Wetlands program, requirements: HB 2729, SB 6799, SSB 6799

Wetlands protection and management program, duties: SB 6907

Wildlife rescue coalition, establishment: *2SHB 2494, CH 116 (1990)

ECONOMIC DEVELOPMENT

- Advisory council on economic development: SB 6792, SSB 6792
- Business and job retention program: SB 6730
- City and county seed capital pools, creation authorized: HB 1423
- Community diversification program: SB 6792, SSB 6792
- Community economic diversification program created in department of community development: *SHB 2706, CH 278 (1990)
- Community economic stability act: SB 6622
- Council for the future created, organization and duties: SB 5902, SSB 5902
- Defense dependent industries, community economic diversification program: *SHB 2706, CH 278 (1990)
- Defense-dependent industries and communities, economic diversification program: SHB 2706
- Economic diversification, advisory committee on, membership and duties: SHB 2706
- Industrial competitiveness program, assistance to small manufacturers: SB 6325, SSB 6325
- Industrial growth demonstration pilot project: SHB 2921
- Land-use planning, comprehensive planning by state and local governments to achieve balanced economic development: SB 6860
- Leadership conference called for Pacific Northwest states and provinces to discuss cooperative efforts in the fall of 1990: *SCR 8440 (1990)
- Local economic development service program: SB 6860
- Military expenditures and their impact on Washington's economy, task force on: SCR 8431
- Pacific Northwest interstate compact on international trade enacted: SB 5631
- Reductions in business operations, employer obligations to employees and community: SB 6622
- Service delivery task force and urban-rural subcommittee created, duties: SB 6860
- Service delivery task force, membership and duties: SHB 2929
- State-wide economic growth, rural-urban linkages: SHB 2929
- Technology development and commercialization, state role in promoting: 2SHB 2023
- Tri-cities area, programs to attract industry or investment to emphasize local expertise and facilities: SB 6871
- Washington marketplace program, revisions: SB 6642, *SSB 6642, CH 57 (1990)
- Washington state economic diversification council created, organization and duties: SB 6766
- Washington state economic diversification project: SB 6766

ECONOMIC DEVELOPMENT FINANCE AUTHORITY

- Membership, director of agriculture, and one additional public member added: SB 6685, SSB 6685
- Membership, three additional members added: *HB 2850, CH 53 (1990)
- Membership, two additional members: HB 2850
- Organization and powers revised: *HB 2850, CH 53 (1990)
- Powers and duties revised: SB 6685, SSB 6685

ECONOMIC FORECASTS

- Economic and revenue forecast council, organization and duties modified: *SSB 5206, CH 229 (1990)

EDITOR'S NOTES

- Regarding governor's partial veto messages
in 1989 journal p. 36
- Regarding final report on Washington marketplace p. 96
- Regarding statement for journal on SB 6864 p. 318

EDITOR'S NOTES—cont.

| | |
|---|------------------------------|
| Regarding corrected reports of standing committees for February 6, 1990 | p. 339 |
| Regarding comments to the Washington condominium act | p. 376 |
| Regarding senate rule 53 | p. 642 |
| Regarding joint rule 11 | p. 726 |
| Regarding change of motion on 2SSB 6780 | p. 1310 |
| Regarding conference committee appointment changes ESB 6904 | p. 1351 |
| Regarding conference committee appointment changes ESB 6904 | p. 1394 |
| Regarding further debate on ESSB 5545 | p. 1433 |
| Regarding governor's partial veto on 2SSB 6259 | p. 1494 |
| Regarding comments to the Washington condominium act (SSB 6776) - Appendix A | p. 1800 |
| Regarding rolling recess | pp. 1807,1808,1814,1820,1826 |
| Regarding governor's partial veto, SSB 6698 | pp. 1819,1829 |
| Regarding governor's partial veto, SB 6399 | pp. 1824,1829 |
| Regarding governor's partial veto, SB 6574 | p. 1827 |
| Regarding governor's partial veto, SSB 6729 | p. 1835 |
| Regarding governor's partial veto of SSB 6663, SSB 6664, SSB 6306, SSB 6190, 2SSB 5882 | p. 1870 |
| Regarding governor's veto of SB 6253 | p. 2030 |
| Regarding governor's partial veto of 2SSB 5835, SB 6292, SB 6408, SSB 6417 | p. 2031 |
| Regarding senate rule 35 | p. 2042 |

EDMONDS COMMUNITY COLLEGE DISTRICT NO. 23

| | |
|----------------------------------|--------|
| Charles D. Kee, trustee, GA 9243 | p. 227 |
|----------------------------------|--------|

EDUCATION, STATE BOARD

| | |
|---|--|
| Alternative teacher preparation pilot program: SSB 6476 | |
| Before-and-after school child care program, rulemaking authority: SB 6217 | |
| Collaborative projects among colleges, schools, and school districts, to develop program: SB 5519 | |
| Earthquake emergency instruction for students, to establish program by rule: SB 6227 | |
| Educational service district boards, sale or purchase of real property, rulemak- ing authority: *SHB 2378, CH 159 (1990) | |
| Educational staff associates, study of supply and demand for: SSB 6352 | |
| Master's degree requirement for teacher certification after 1992 repealed: SB 5637, SSB 5637 | |
| Teacher certification, uniform entry to practice assessment: HB 2495 | |
| Teacher preparation, award for excellence program, annual award to teacher educator: *SB 5371, CH 10 E1 (1990) | |

EFFICIENCY AND ACCOUNTABILITY IN GOVERNMENT, COMMISSION

| | |
|--|--|
| Executive and legislative strategic planning processes, planning and recom- mendations, duties: 2SHB 2323 | |
| Government accountability act of 1990, duties: 2SHB 2323 | |
| Program effectiveness, planning and evaluation duties: 2SHB 2323 | |

ELDRIDGE, LESTER

| | |
|--|-------|
| Reappointed member, puget sound water authority, GA 9159 | p. 15 |
|--|-------|

ELECTIONS

| | |
|--|--|
| Absentee ballots, inclusion in election abstract, even year general elections: SHB 3000 | |
|--|--|

ELECTIONS—cont.

- Absentee ballots, inclusion in election abstracts: SB 6731, SSB 6731, *SSB 6731, CH 262 (1990)
- Ballot format, unification and simplification of laws and procedures governing: *HB 2797, CH 59 (1990)
- Ballot layout, unification and simplification of laws and procedures governing: *HB 2797, CH 59 (1990)
- Ballot titles, preparation, appeals, and readability guidelines: SSB 5723
- Candidacy, unification and simplification of laws and procedures governing: *HB 2797, CH 59 (1990)
- Candidates' pamphlet, charges for space eliminated: HB 1747
- Canvassing, unification and simplification of laws and procedures governing: *HB 2797, CH 59 (1990)
- Certification of ballot titles and nominees qualifying at primary or general election: SSB 5723
- City officials, optional code cities, terms and procedures: HB 1570
- Fire protection district benefit charge authorization, form of ballot: *SSB 6182, CH 294 (1990)
- Fire protection district service charge authorizations, form of ballot: SB 6182
- Judicial elections, candidates must qualify in primary to appear on general election ballot: SSB 5187
- Judicial elections, when primary not required: SB 5187
- Local government elections, technical amendments: *SHB 2935, CH 259 (1990)
- Nonpartisan elections, candidates, qualifying in primary for general election ballot: SB 5187, SSB 5187
- Optional code cities, election of city officials, terms and procedures: HB 1570
- Poll closing, asking federal government to adopt uniform poll closing law: HJM 4006
- Precinct election officers, appointment: HB 2550
- Precinct election officers, may not serve if candidate for any other office: HB 1035
- Presidential, parties must file a list of candidates and presidential electors selected: HB 1226
- Superintendent of public instruction, candidates must qualify in primary to appear on general election ballot: SSB 5187
- Voter assistance for persons with sensory or physical handicaps or at voter's request: SSB 5299
- Voter registration by mail: HB 1129
- Voters' rights act of 1990: SHB 3000
- Voting equipment, unification and simplification of laws and procedures governing: *HB 2797, CH 59 (1990)
- Voting machines, use of machines that do not record votes on separate ballots prohibited: *HB 2775, CH 184 (1990)

ELECTRICAL INSTALLATIONS

- Electrical contractors, licensing requirements: SB 6690
- Electrical inspectors, certification requirements: SB 6690
- Electricians, certification requirements: SB 6690
- Fire and life safety equipment standards: SB 6690
- Inspection requirements: SB 6690

ELECTRICITY

- Electric transmission research needs task force, membership and duties: *SSB 6771, CH 138 (1990)
- Electrical utilities, cities and towns to set terms and conditions for placement: SHB 1661
- Generation facilities, deduction from public utility tax of amounts expended on new construction: SB 6844

ELECTRICITY—cont.

Municipal utilities, service beyond city limits, consultation with and notice to affected cities or counties: SB 6742, SSB 6742

Thermal power plant siting, certification requirements: SB 6840

Transmission lines and magnetic fields, location to minimize exposure, study requirements: SB 6771

ELECTRONIC FUND TRANSFERS

Tax payment required by electronic funds transfer when tax exceeds specified amount: *SHB 2344, CH 69 (1990), SB 6753, SSB 6753

ELK

Damages caused by deer and elk, maximum amount of claim raised: SB 6176

ELLIS, JAMES REED

Medal of merit award winner introduced and addressed joint session p. 191

EMERGENCY SERVICES

Communications systems excise tax rate to be determined by county legislative authority: SB 6214, SSB 6214

Emergency medical services and trauma care steering committee, membership and duties: SB 6191, *SSB 6191, CH 269 (1990)

Emergency medical services and trauma care system, creation, organization, and responsibilities: SB 6191, *SSB 6191, CH 269 (1990)

Emergency medical services licensing and certification advisory committee, membership and duties: SB 6191, *SSB 6191, CH 269 (1990)

Professional rescuer doctrine abrogated: SHB 2630

Property tax levies for emergency medical services, forty percent validation requirement removed: HB 2303

State-wide emergency medical services and trauma care system act: SB 6191, *SSB 6191, CH 269 (1990)

State-wide enhanced 911 system study, utilities and transportation commission: SB 6827, *SSB 6827, CH 260 (1990)

Stretchers, persons on stretchers may be transported by vehicles other than ambulances if they do not require medical care en route: SB 5849, SSB 5849

Tow trucks, exemption from weight and load restrictions: HB 2636

Trauma care, emergency medical services and trauma care system, creation, organization, and responsibilities: SB 6191, *SSB 6191, CH 269 (1990)

Vehicles, sale by public agencies of equipment that may not be lawfully used prohibited: *HB 2461, CH 94 (1990)

911 system, state-wide implementation of enhanced 911 service study: HB 2823

EMINENT DOMAIN

Taking, establishing a process to determine whether a taking of private property has occurred: SB 6253, SB 6812

EMPLOYEE-OWNED BUSINESSES

Employee ownership advisory panel formed: SB 5120

Employee ownership training fund established: SB 5120

EMPLOYER AND EMPLOYEE

Discrimination prohibited for refusal to work overtime: SB 6905

Eight hour work day and forty hour work week limit, exceptions: SB 6784, SB 6795

Employer duty to cooperate with collection efforts of support enforcement office: *SB 6399, CH 165 (1990)

Health care benefits, basic group plan for employers of fewer than one hundred employees: SB 6834

Health care benefits, basic group plan for employers of fewer than twenty-five employees: *SB 6834, CH 187 (1990)

Industrial insurance labor-management cooperation program: SB 6383, SSB 6383

EMPLOYER AND EMPLOYEE—cont.

- Industrial insurance-labor-management cooperation program established: SB 5870
- Locked out workers, eligibility for unemployment compensation: HB 2432, SB 6607, SB 6848
- Overtime work, discrimination for refusal to work prohibited: SB 6905
- Reductions in business operations, employer obligations to employees and community: SB 6622
- Support enforcement office collection efforts, employer duty to cooperate with: *SB 6399, CH 165 (1990)

EMPLOYMENT

- Acquired traumatic brain injury, supported employment demonstration projects: SB 6275
- Adoptive parents, family leave to be granted on same terms as for newborn child: SB 5966
- Background checks on prospective employees or volunteers who will work with children: *2SSB 6259, CH 3 (1990)
- Business and job retention program: SB 6730
- Community economic stability act: SB 6622
- Discrimination prohibited for refusal to work overtime: SB 6905
- Eight hour day, six day week, overtime pay provisions for work in excess of: SHB 2916, SB 6782
- Eight hour work day and forty hour work week limit, exceptions: SB 6784, SB 6795
- Employees reporting to work, payment when not given work or less than half of usual or scheduled work: SHB 2916, SB 6782, SB 6795
- Family leave for adoptive parents, to be granted on same terms as for newborn child: SB 5966
- Forty hour week, overtime pay for work in excess of: SHB 2916, SB 6782
- Investment in human capital, advisory council on, membership and duties: 2SHB 2348, SB 6411, *SSB 6411, CH 272 (1990)
- Job preparation, training, and placement services, comprehensive program planning: SSB 5383
- Job training coordinating council, membership and duties: SB 6170
- Low-income persons, self-employment loan fund established to assist: 2SSB 5203, 3SSB 5203
- Operation SPLICE, voluntary workplace literacy program: SB 5764
- Overtime work, discrimination for refusal to work prohibited: SB 6905
- Reductions in business operations, employer obligations to employees and community: SB 6622
- Self-employment loan fund established to assist low-income persons: 2SSB 5203, 3SSB 5203
- Self-employment loan program committee, membership and duties: 3SSB 5203
- Sex offender registry, information available about prospective employees or volunteers who will work with children: SB 6287
- Training and education pilot projects: 2SHB 2348, SB 6411, *SSB 6411, CH 272 (1990)
- Washington employment futures program created: SHB 1294
- Washington job training coordinating council, membership and duties: SB 6170
- Worker and community right to know act, business office exemption from act: SB 6818
- Workforce training needs study, office of financial management: SB 6858, SSB 6858
- Workforce training program, conducted by state board for vocational education: SB 6858, SSB 6858

EMPLOYMENT AGENCIES

- Employment listing or employment information services, licensing requirements, enforcement actions: SB 6307
- Employment listing or employment referral services, licensing requirements, enforcement actions: SSB 6307
- Employment listing or referral services, licensing requirements, enforcement actions: *SHB 2457, CH 70 (1990)

EMPLOYMENT SECURITY, DEPARTMENT OF

- Apprenticeship programs, to assist in establishment of: SB 6411
- Dislocated rural workers, training and services pilot program: 2SHB 2348
- Substance abuse prevention and treatment for youth pilot program, duties: 2SHB 2348, SB 6411, *SSB 6411, CH 272 (1990)
- Timber and wood products, dislocated workers, pilot training program for: *SSB 6411, CH 272 (1990)

ENDRESEN, MARK C.

- Reappointed member, public employment relations commission.
GA 9211 p. 25

ENERGY

- Energy efficiency account created to acquire energy efficient improvements in state buildings: HB 1176
- Energy efficiency account created to acquire improvement that will reduce energy costs in state facilities: SB 5518, SSB 5518
- Energy efficiency rating system for new and existing residences, state energy office study: SSB 6823
- Energy efficiency rating system for new residential construction study: SB 6823
- Energy facility site evaluation council, administration and support functions transferred to energy office: SB 6573, *SSB 6573, CH 12 (1990)
- Energy facility site evaluation council, energy office to provide necessary space and support: SB 6034
- Energy office, assumption of administration and support functions of energy facility site evaluation council: SB 6573, *SSB 6573, CH 12 (1990)
- Energy office to provide necessary space and support to energy facility site evaluation council: SB 6034
- Low-income home energy assistance: *HB 2667, CH 1 E1 (1990), SB 6680
- Nonresidential buildings, energy code for residential buildings, enforcement as minimum standards: *SHB 2198, CH 2 (1990)
- Residential buildings, energy code for, to be enforced as maximum and minimum standards: *SHB 2198, CH 2 (1990)
- Residential space heating, involuntary disconnection during winter months: SB 6847
- State energy plan, report to legislature on need for, state energy office: SB 6826
- Storage or generation project begun after January 1, 1991, periodic recovery of investment policy development: SB 6845
- Thermal plant certification, consideration of the amount of carbon dioxide emissions: SB 5705
- Thermal power plant siting, certification requirements: SB 6840

ENGEL, ARLENE B.

- Member, western state hospital advisory board.
GA 9218 pp. 26,378

ENGINEERS

- Fees and fines, deposit in professional engineers' account: SB 6709
- Registration requirements: HB 2715

ENVIRONMENT

- Administrative appeals judges, environmental hearings office, appointment: *SB 5712, CH 65 (1990)
- Annexation proceedings, exemption from state environmental policy act: SB 6183
- Bait containers, styrofoam, use prohibited, penalty: SB 6713, SSB 6713
- Earth Day, commemoration of the twentieth anniversary of: SCR 8434
- Environmental coordination procedures act, permit applications, applicant's options: *SB 6172, CH 137 (1990)
- Environmental coordination procedures act, revisions: SB 6172
- Environmental hearings office, administrative appeals judges, appointment: *SB 5712, CH 65 (1990)
- Land-use planning, comprehensive planning by state and local governments to protect natural resources: SB 6860
- Mitigation of negative impacts on wildlife caused by public and private developments, requirements: SB 6151, SSB 6151
- Paper stock, requesting Congress to require that imported stock meet United States Standards: SJM 8024
- Pesticides, reduction of use to control vegetation along rights of way, vegetation management task force created: SB 6194, SSB 6194
- Sludge landspreading, regulation, permit process: SB 6173
- State environmental policy act, annexation proceedings exempt from act: SB 6183
- Thermal power plant siting, certification requirements: SB 6840
- Vegetation management task force, membership and duties: SB 6194, SSB 6194

ERICKSON, SHELLY

- Dairy princess introduced and addressed senate p. 324

ESCROW AGENTS

- Deposits, authorized forms of deposits: SB 5340, *SSB 5340, CH 203 (1990)
- Disbursements from deposited funds, conditions: *SSB 5340, CH 203 (1990)

ESTATES

- Habilitation center admittees, estate funds from recovery on claim against state not to be reduced by liability for cost of care at center: SB 6323

ETHANOL

- Ethanol and methanol, department of agriculture to develop guide and informational pamphlet on: SB 5992

EVERETT COMMUNITY COLLEGE DISTRICT NO. 5

- Robert J. Bavasi, trustee, GA 9140, confirmed pp. 12,96,129
- Kathleen Gutierrez, trustee, GA 9139 p. 12
- Virginia Sprenkle, reappointed trustee, GA 9197, confirmed pp. 21,66,1574

EVERGREEN STATE COLLEGE, THE

- Lila Girvin, trustee, GA 9166, confirmed pp. 23,242,357
- Constance M. Rice, trustee, GA 9187, confirmed pp. 24,663,933
- Carol Vipperman, trustee, GA 9203 p. 24

EVIDENCE

- Child abuse victims, testimony by closed-circuit television: *SHB 2809, CH 150 (1990)
- Closed-circuit television, testimony of child abuse victims: *SHB 2809, CH 150 (1990)
- Sexual contact, attempted, child's statement regarding, admissibility: SB 6765

EXCELLENCE IN EDUCATION AWARDS CEREMONY

- SPI granted permission to use chamber, May 8, 1990 p. 166

EXCHANGE STUDENT PLACEMENT AGENCIES

Regulation of: 2SHB 2624

EXECUTIONS

Exemption of property from out-of-state judgment for failure to pay that state's income tax on pension or retirement benefits: SB 6357, SB 6552

EXPORT TRADE

Shared foreign sales corporation model development: SSB 5106

FACSIMILE DEVICES

Commercial solicitation transmissions prohibited: *HB 2299, CH 221 (1990)

FAIRS AND EXHIBITIONS

Food products sold by nonprofit organizations, sales tax exemption: SB 5908

FAMILY INDEPENDENCE PROGRAM

Eligibility: SB 6624, SSB 6624

Employed enrollees earning less than one hundred thirty-five percent of benchmark standard, identification: SB 6624, *SSB 6624, CH 6 E1 (1990)

Executive committee, authority to close enrollment: SB 6624, *SSB 6624, CH 6 E1 (1990)

Executive committee, powers and duties, expansion of: SSB 6624

Operation as demonstration to be periodically reviewed and modified: SB 6624, *SSB 6624, CH 6 E1 (1990)

Termination, conditions requiring governor to terminate program: SSB 6624

FAMILY LIFE

Adoptive parents, family leave to be granted on same terms as for newborn child: SB 5966

Department of children, youth, and families created, organization, powers, and duties: SB 6789, SSB 6789

Family reconciliation act, at-risk youth programs: SB 6610, SSB 6610, *2SSB 6610, CH 276 (1990)

Family reconciliation services program study, requirements: SSB 6610, *2SSB 6610, CH 276 (1990)

FANNING, RUTA E.

Member, sentencing guidelines commission,

GA 9160, confirmed pp. 18,309,576

FARIAS, JESSE

Appointed director, department of veterans affairs, GA 9161 p. 13

FEARN, WILLIAM S.

Member, interagency committee for outdoor

recreation, GA 9255 p. 576

FENNERTY, FRANK E.

Reappointed member, board of industrial insurance

appeals, GA 9138 pp. 12,931

FERRIES

Collective bargaining agreements, conditions for effectiveness: SB 6743

Concession contracts, criteria for selection of concessionaire: SB 6641

Concession contracts, service to public to be considered in granting: SB 6641

County operated, deficit reimbursement: SB 6406

Passenger-only ferry services, appropriation for: SB 6820

Private ferries, moratorium on new certificates for: HB 2641

Puget Sound ferry operations account, removal of obsolete provisions: SB 6627

Puget Sound ferry operations account, repeal of excess funds transfer provisions: *HB 1957, CH 78 (1990)

Removal of obsolete provision of state ferry law: SB 6627

FERRIES—cont.

Union contract termination provisions, removed: SB 6627

FINANCIAL INSTITUTIONS

Creation, organization, and duties: SB 6371

FINANCIAL MANAGEMENT OFFICE

Leonard A. McComb, appointed director, GA 9208 pp. 24,1471

Caseload forecasting duties: SB 5354

Economic, revenue, and caseload forecast council, revision of name and duties of economic revenue forecast council: SB 5354

Employment training and education program, study and pilot project duties: 2SHB 2348, SB 6411, *SSB 6411, CH 272 (1990)

Juvenile rehabilitation system study: SB 6832, SSB 6832, *2SSB 6832, CH 292 (1990)

Subsistence and travel expenses, meeting expenses and mileage reimbursement, administration: *HB 1703, CH 30 (1990), SB 5661, SSB 5661

Washington institute of applied technology, report to legislature regarding, duties: SB 6901

Work force training needs study: SB 6858, SSB 6858

FINANCIAL PLANNING

Investment adviser registration, not required of registered broker-dealer acting as financial planner: SB 6811

FINANCING CONTRACTS

Lease of public lands on which property is to be acquired under contract, authorization: *HB 2310, CH 47 (1990), SB 6240

FIRE FIGHTERS

Disability leave, small cities and counties, duty to provide: SB 6718

Pension plans, municipal, funding: SB 6909

FIRE PROTECTION

Fire alarms or equipment, tampering with intent to commit arson, felony: *SHB 2342, CH 177 (1990)

Fire fighting equipment, tampering with intent to commit arson, felony: HB 2341

Fire service training center bond retirement fund reinstated: HB 2311, SB 6241

Sprinkler system contractors, licensing requirements: *SHB 2342, CH 177 (1990), SB 6366

Sprinkler systems, installation of inoperable systems, class C felony: HB 2340

State buildings, study of method of payment: *HB 1055, CH 45 (1990)

FIRE PROTECTION DISTRICTS

Benefit charge authorizations, form of ballot: *SSB 6182, CH 294 (1990)

Benefit charge, imposition on property in district: SB 6557

Benefit charges, exclusion of property not receiving benefit, procedure: *SSB 6182, CH 294 (1990)

Benefit charges, exclusion of property not receiving benefit, senior citizen exemptions: SSB 6182

Levy limitations, constitutional amendment: SJR 8230

Property tax levy rates: SB 6455

Service charge authorizations, form of ballot: SB 6182

FIREARMS

Concealed weapon permits, persons ineligible under federal law to possess a weapon are ineligible to obtain permit: HB 2271

Concealed weapons permits, persons convicted of domestic violence ineligible for: SB 6351, SSB 6351

Crimes committed when offender or accomplice was armed, sentence to be increased by sixty months: SB 6318, SSB 6318

Destruction of forfeited firearms, city may authorize by ordinance: SB 6646

FIREARMS—cont.

- Domestic violence offenses, person convicted of, ineligible for concealed weapons permit: SB 6351, SSB 6351
- Drug crimes, sentence to be increased by one hundred twenty-four months when used in commission of: SB 6317
- Firearms range account, to receive forty percent of proceeds from sale of forfeited weapons: SHB 2979
- Firearms range committee, membership and duties, grant program administration: SB 6726, *SSB 6726, CH 195 (1990)
- Forfeited, retention of sixty percent of proceeds by agency submitting weapons, remainder to firearms range account: SHB 2979
- Forfeited, trade by law enforcement agency for departmental weapons or equipment authorized: SHB 2979
- Range facilities, development grant program: *SSB 6726, CH 195 (1990)
- Range facilities, development grant program, one dollar surcharge on hunting and combined licenses: SB 6726
- Sales to dangerous, mentally ill persons prohibited: SB 6346
- State capitol building lands, prohibited in structures on: SB 6410, SB 6712
- Unlawful storage of firearm, criminal liability for allowing minors easy access: SB 6341

FISCHER, NANCYHELEN

- Member, commission on judicial conduct,
GA 9019, confirmed pp. 308,468

FISH

- Food fish labeling act: SB 6342

FISHERIES, DEPARTMENT OF

- Columbia river recreational salmon and sturgeon fishing, improvement actions: SB 6788
- Crab fishing, study and report on management of coastal crab fishing industry: HB 1648
- Emerging fisheries, commercial harvesting permitted to gain data necessary to preserve and protect resource: *HB 2290, CH 63 (1990)
- Family fishing days, authorization, rulemaking authority of director of department of fisheries: *HB 2292, CH 34 (1990)
- Fisheries 2000 council, duties: SB 6797, SSB 6797
- Goodwill games complimentary fishing licenses authorized for participants: SB 6250
- Group fishing permits, authority to issue to licensed care facilities for the physically or mentally handicapped or senior citizens: *SHB 2293, CH 35 (1990)
- "Open season" defined: *SHB 2293, CH 35 (1990)
- Recreational fisheries enhancement plan, progress reporting requirements: *HB 2942, CH 91 (1990), SB 6768
- Salmon, sale of salmon taken in test fishing operations authorized: *HB 2294, CH 36 (1990)
- Sea cucumber fishing, endorsement to commercial shellfish diver license required, administrative duties: *HB 2291, CH 61 (1990)
- Sea urchin endorsements, issuance and renewals, duties: *HB 2868, CH 62 (1990)
- Shrimp bottom trawling, areas where fishing may be allowed: SSB 6696
- Sturgeon, prohibition of targeted commercial catch of white sturgeon: SB 6825

FISHING, COMMERCIAL (See also SALMON)

- Bait containers, styrofoam, use prohibited, penalty: SB 6713, SSB 6713
- Business and occupation tax, exemption for fishermen subject to enhanced food fish tax: SB 6785
- Emerging fisheries, harvesting permitted to gain data necessary to preserve and protect resource: *HB 2290, CH 63 (1990)

FISHING, COMMERCIAL—cont.

- Fisheries 2000 council, membership and duties: SB 6797, SSB 6797
- Forfeiture of property used in committing violations of fisheries laws, procedure: SB 6377, *SSB 6377, CH 144 (1990)
- Hood Canal, harvest to be phased out over four years: SSB 5146
- Insurer, pooling of funds by commercial fishers, removed from definition of: *SB 6564, CH 130 (1990)
- License fees, Columbia river smelt: SB 6747
- Marine fish enhancement research program: SHB 1037
- Marketer lien created: SB 6706
- Pooling of funds by commercial fishers, removed from definition of insurer: *SB 6564, CH 130 (1990)
- Regional fisheries enhancement groups, organization and funding: SHB 2267, SB 6310, SSB 6310, *2SSB 6310, CH 58 (1990)
- Sea cucumber fishing, endorsement to commercial shellfish diver license required: *HB 2291, CH 61 (1990)
- Sea urchin endorsements, issuance and renewals: *HB 2868, CH 62 (1990)
- Shrimp bottom trawling, areas where fishing may be allowed: SB 6696, SSB 6696
- Sturgeon, prohibition of targeted commercial catch of white sturgeon: SB 6825
- Styrofoam bait containers, use prohibited, penalty: SB 6713, SSB 6713
- Violations of fisheries laws, penalties set: SB 6377, *SSB 6377, CH 144 (1990)

FISHING, RECREATIONAL (See also SALMON)

- Bait containers, styrofoam, use prohibited, penalty: SB 6713, SSB 6713
- Columbia river recreational salmon and sturgeon fishing, improvement actions: SB 6788
- Disabled persons fishing from boats, use of power fishing reels authorized: SSB 5688
- Family fishing days, authorization, rulemaking authority of director of department of fisheries: *HB 2292, CH 34 (1990)
- Fish identification cards: SB 5136
- Fisheries 2000 council, membership and duties: SB 6797, SSB 6797
- Forfeiture of property used in committing violations of fisheries laws, procedure: SB 6377, *SSB 6377, CH 144 (1990)
- Game fish, production to be doubled by the year 2000, department of wildlife to develop plan: *2SSB 5845, CH 110 (1990)
- Game fish, production to be doubled by the year 2000, department of wildlife to study feasibility: SSB 5845
- Goodwill games complimentary fishing licenses authorized for participants: SB 6250
- License, eligibility of veterans for free license: SSB 5087
- Littering, fines and revocation of license for: SSB 6724
- Marine fish enhancement research program: SHB 1037
- Power fishing reels, use by disabled persons fishing from boats authorized: SSB 5688
- Recreational fisheries enhancement plan, progress reporting requirements: *HB 2942, CH 91 (1990), SB 6768
- Regional fisheries enhancement groups, organization and funding: SHB 2267, SB 6310, SSB 6310, *2SSB 6310, CH 58 (1990)
- Search and rescue fund, to be funded by surcharge on hunting and fishing licenses: SB 6038
- Steelhead punchcard, not required for persons under the age of fifteen: SB 5059
- Styrofoam bait containers, use prohibited, penalty: SB 6713, SSB 6713
- Violations of fisheries laws, penalties set: SB 6377, *SSB 6377, CH 144 (1990)

FLEMING, SENATOR GEORGE

- Appointed education, financial institutions and insurance, and ways and means committees pp. 11,12

FLOOD CONTROL

Local governments, national flood insurance program, may elect not to participate in: SB 6179

National flood insurance program, local government may elect not to participate in: SB 6179

Projects, eligibility for state financial assistance: SHB 2320

State regulation of jurisdictions not electing to participate in national flood insurance program, limitation of authority: SB 6179

FLOOR RESOLUTIONS, SENATE (See HISTORY OF FLOOR RESOLUTIONS)

American flag, law enforcement agencies asked to encourage officers to wear on uniforms: SFR 8750

Aquatic animal health management training, establishment in Washington State University school of veterinary medicine: SFR 8738

Ballou Junior High School students Moiya Callahan, Greg Kooistra, Monica Reed, and Aaron Werner and teacher Mark Vetter recognized for first place in 1989 National History Day Contest: SFR 8730

Bonnie Dunbar, recognition of her contribution as member of Shuttle Columbia's crew to the national space program: SFR 8757

Cable television services, support expressed for Congressional efforts to provide additional competition among: SFR 8781 E1

Centralia College, transfer of murals from senate chamber to: SFR 8764

Congressional Medal of Honor Day, March 25 designated as: SFR 8741

Construction lien law, committee on economic development and labor to continue to study: SFR 8778 E1

Daughters of the American Revolution congratulated on their 100th birthday: SFR 8768 E1

Derrick Cope recognized for winning the Daytona 500 stock car race, his first NASCAR win: SFR 8753

Earth Day 1990, April 22, 1990 designated as: SFR 8742 E1

Edmonds Community College Kobe campus, congratulations and support expressed at opening of: SFR 8783 E1

Elections, United States encouraged to work for free and open elections to promote democracy and prevent political violence: SFR 8755 E1

Electronic exchange of information regarding criminals, governor asked to appoint task force on statewide exchange of data: SFR 8786 E1

Elks, Benevolent and Protective Order of Elks recognized for their charitable and community service activities: SFR 8728

Federal Way High School speech team congratulated on winning state AAA championship for third straight year: SFR 8773 E1

Flag of the United States, support for amendment to U.S. constitution to prevent desecration of: SFR 8745

Flood and wind damage, January 1990, support for application for federal disaster assistance: SFR 8724

"Food Ball" and "Foodbowl" programs recognized for their charitable contributions: SFR 8737

Giovanni Costigan, condolences expressed to his family at the death of distinguished scholar and teacher: SFR 8780 E1

Glyn Chandler, sympathy and condolences sent to family of representative by the senate at his death: SFR 8749

Good Will Games volunteers, sponsors, and cooperating governments applauded for their efforts in making the games a reality: SFR 8729

Hans Georg Dehmelt, professor at University of Washington and 1989 Nobel prize winner in physics, recognized: SFR 8746

Martin Luther King, Jr. honored on his holiday and for his accomplishments and contributions: SFR 8725

Mead High School ladies basketball team congratulated on winning 1990 AAA state championship: SFR 8770 E1

FLOOR RESOLUTIONS, SENATE (See HISTORY OF FLOOR RESOLUTIONS)

—cont.

- Mental health professionals, health and long-term care committee to address issues of preparation, turnover, and wages: SFR 8766 E1
- National Girls and Women in Sports Day, February 8, 1990 designated as: SFR 8731
- No-fault automobile insurance and state-operated automobile liability insurance system study, Senate committees on Financial Institutions and Insurance and Law and Justice to undertake: SFR 8785 E1
- Pacific Northwest Physical Fitness and Sport Day, April 26 declared to be: SFR 8782 E1
- Quincy High School choirs recognized for their outstanding achievements: SFR 8735
- Ronald G. Zukus, recognition and appreciation of his humanitarian needs including that which cost him his life: SFR 8740
- Scouting applauded and support for scouting programs expressed: SFR 8732
- Seattle Thunderbirds congratulated on outstanding season in the Western Hockey League: SFR 8772 E1
- Senate organized and ready to conduct business, appointment of committee to notify house: SFR 8721
- Senate rules, amendments to Senate Floor Resolution 1989-8617, Senate rules of the 51st Legislature: SFR 8722
- Shadle Park boys basketball team congratulated on winning 1990 AAA state championship: SFR 8769 E1
- Shirley B. Gordon recognized for her contribution to Washington's educational system: SFR 8744
- Skagit Valley Tulip Festival, communities, chambers of commerce, and sponsors commended on seventh annual festival: SFR 8763
- Snohomish High School marching band honored for their outstanding achievements: SFR 8775 E1
- South African government commended for its action to improve conditions and to restore rights to non-white citizens: SFR 8748 E1
- State Patrol Captain Wayne L. Small remembered for his twenty-seven year career of service and sorrow expressed at his death: SFR 8734
- Students Active for the Environment (SAFE), recognized for their recycling efforts in the Shoreline School district: SFR 8723
- Telephone privacy, support for utilities and transportation commission holding public hearings on: SFR 8765 E1
- Trooper Ray Hawn recognized and honored following his death in the line of duty for twenty-three years of service: SFR 8727
- United States flag, support for constitutional amendment to ban desecration of: SFR 8743 (Withdrawn)
- University of Washington women's basketball team commended on outstanding season: SFR 8771 E1
- Washington scholars for 1990 and their families recognized for their achievements: SFR 8776 E1
- Washington State University honored on the centennial of its founding: SFR 8779 E1
- Whatcom county border crossings, support of Congressional delegation sought to increase personnel at: SFR 8759
- Whidbey General Hospital congratulated on its twentieth anniversary: SFR 8754
- Whistleblower law, committee on governmental operations authorized to conduct examination: SFR 8752 E1 (1990)

FOOD BANKS

- Donors, immunity from civil liability, distribution of information regarding to food service establishments: SB 6619

FOOD PRODUCTS

- Defined for purposes of sales tax exemption: SB 6313
- Food fish labeling act: SB 6342
- Transportation, designation and marking of vehicles and vessels for food or food compatible products: *SB 6164, CH 202 (1990)
- Transportation of food, drugs, or cosmetics in vehicle used to transport hazardous or solid waste prohibited: SB 6185
- Transportation, prevention of contamination during: *SB 6164, CH 202 (1990)
- Transportation, rehabilitation of vehicles and vessels to transport: *SB 6164, CH 202 (1990)
- Transportation, rehabilitation of vehicles used to carry nonfood items, certification and inspection: 2SHB 2270
- Transportation, vehicle marking requirements: 2SHB 2270

FOREST PRACTICES APPEALS BOARD

- Additional duties and rulemaking authority: SB 6436

FOREST PRACTICES (See also TIMBER)

- Clear-cutting restrictions: SB 6436
- Common school trust lands, transfer to other public agencies, conditions: SB 6831
- Communities affected by allowable-cut reductions, requesting that Congress take action to assist: *SJM 8023 (1990)
- Forest land exchange act of 1990: SB 6704
- Forest lands, department of natural resources authorized to purchase or acquire: SB 6536, SSB 6536
- Forest lands reforestation fund, authorized uses: SB 6436
- Hardwoods commission, membership and duties: *SB 6862, CH 142 (1990)
- Reforestation requirements: SB 6436
- Reserved timber, compensation for losses resulting from limits on sales to qualified enterprises: SHB 3016
- Timber harvesters, business and occupation tax exemption for small harvesters: *SB 6822, CH 141 (1990)

FORFEITURES

- Drug-related real and personal property, revised provisions: SB 6204
- Vehicles used in illegal transfers of controlled substances: *HB 2542, CH 248 (1990), SB 6633

FOSTER CARE

- Change of long-term placement, notice to foster parents: SB 6537, SSB 6537, *2SSB 6537, CH 284 (1990)
- Foster home monitoring and program review: SB 6537, SSB 6537, *2SSB 6537, CH 284 (1990)
- Foster parent training and short-term relief programs: SB 6537, SSB 6537, *2SSB 6537, CH 284 (1990)
- Foster parents insurance program: SB 6527
- Health services management, department of social and health services: *2SSB 6537, CH 284 (1990)
- Health services to be provided to children in foster care: SB 6345
- Insurance program for foster parents: SB 6527, SSB 6527
- Long-term care of children pilot project, two facilities to be established: SB 6424
- Minority and ethnic heritage factors to be considered in making placements: SHB 1521
- Placements, consultations with natural parents: SB 6537, SSB 6537, *2SSB 6537, CH 284 (1990)
- Reform of foster care system: *2SSB 6537, CH 284 (1990)
- Reform of foster care system, appropriations: SB 6537, SSB 6537, 2SSB 6537

FOX, JAMES R.

Member, interagency committee for outdoor
recreation, GA 9162 p. 17

FRAM, JOSEPH

Trustee, state school for the blind,
GA 9163, confirmed pp. 19,662,741

FRANCHISES

Franchise investment protection act, comprehensive revision: SB 6720, SSB 6720
Investment protection, comprehensive revision of act: SB 6720, SSB 6720

FREEDOM OF EXPRESSION

Public school students granted, conditions and limitations: SB 6482

FUNERAL DIRECTORS

Licensing requirements: SB 5509

GALLIVAN, GEORGIA-MAE

Reappointed trustee, Clark community college district no. 14,
GA 9164, confirmed pp. 22,226,357

GAMBLING

Charitable fund raising events, net income from wagers not to exceed twenty-
five thousand dollars: HB 1682, SB 6580
Raffles, persons operating need not be members of sponsoring organization: HB
2399

GAMBLING COMMISSION

Juli Vraves Anderson, reappointed member, GA 9001 p. 931
Patrick J. Graham, reappointed member, GA 9168 p. 14

GARDNER, GOVERNOR BOOTH (See also GOVERNOR)**GASPARD, SENATOR MARCUS S.**

Appointed agriculture, education, and ways
and means committees pp. 11,12
Statement for journal, removing name as sponsor of SB 6864 p. 318

GAUNT, JANET L.

Member, public employment relations commission,
GA 9212 pp. 25,932

GAYTON, DR. CARVER C.

Trustee, Seattle community college district no. 6,
GA 9207, confirmed pp. 24,663,1902

GEBBIE, KRISTINE M.

Appointed secretary, department of health, GA 9165 pp. 18,1093

GENERAL ADMINISTRATION, DEPARTMENT

Leases of public lands on which property is to be acquired under financing con-
tract authorized: *HB 2310, CH 47 (1990), SB 6240
Parking and transportation management programs, duties and authority: *HB
2802, CH 206 (1990), SB 6674
Purchasing and material control program: SB 6340
Recycled materials, preferential purchasing, rulemaking authority: SB 6340
Recycled paper products, preferential purchase: SB 6340, SB 6578, SSB 6578
Services, purchase by contract, rulemaking authority and requirements: SB 6890
State employee, operation of state-owned vehicles, driver's license, proof
required: HB 2803, *SB 6673, CH 75 (1990)

GEODUCKS

Highest responsible bidder, determination for sale of geoducks: *SB 6727, CH 163
(1990)

GEODUCKS—cont.

Sale to highest responsible bidder, determination: *SB 6727, CH 163 (1990)

GEOLOGY AND GEOLOGISTS

Evaluation by department of licensing as to extent to which practice of geology should be regulated, recommendation and implementation proposal: *SHB 1597, CH 223 (1990)

Evaluation by department of licensing as to whether and to what extent practice of geology should be regulated: SHB 1597

GILBERT, WARREN J., JR.

Trustee, Western Washington University, GA 9266 p. 1803

GIRLS AND WOMEN IN SPORTS

SFR 1990-8731 p. 358

Representatives introduced in gallery p. 359

GIRVIN, LILA

Trustee, The Evergreen State College,
GA 9166, confirmed pp. 23,242,357

GLORE, LYNNE

Trustee, grays harbor community college district no. 2,
GA 9219 p. 29

GOLF CLUBS

Golf course, qualifications for classification as open space: HB 1328

Open space classification, not available to private club that discriminates on the basis of sex: SB 6280

Sex discrimination, open space classification not available to private club engaging in: SB 6280

GOLTZ, H. A.

Member, state board for community college
education, GA 9167, confirmed pp. 15,226,330

GOODWILL GAMES

The Reverend William Sullivan, head of organizing committee introduced and addressed senate p. 160

Soviet athlete Yuri Sedykh introduced and addressed senate p. 160

American athlete Edwin Moses introduced and addressed senate p. 161

Fishing licenses, complimentary licenses authorized for participants: SB 6250

GOTTELAND, ROGER

Consul emeritus of France introduced p. 252

GOVERNOR (See also GARDNER, GOVERNOR BOOTH)

Commutation of sentence p. 43

State of the state message, joint session of legislature to receive message from governor: *HCR 4426 (1990) p. 51

Presents medal of merit award to Frances Penrose Owen p. 194

Proclamation convening first special session p. 1646

Proclamation convening second special session p. 2027

African-American affairs, state commission to be established in the office of the governor: SHB 2084

Appointees must be Washington residents when appointed and during term of service: SB 6299

Apprenticeship council, to appoint three public members: SB 6498

Criminal offenders, study of laws governing confidentiality and disclosure of information about dangerous offenders: *2SSB 6259, CH 3 (1990)

Family independence program, conditions requiring termination of program: SSB 6624

* - Passed Leg.: E1 - 1st Special Sess.; E2 - 2nd Special Sess.

GOVERNOR—cont.

- Land planning commission, creation, membership and duties: SB 6860
- Risk management programs, appropriations for: SB 6888
- Substance abuse, comprehensive state strategy to reduce, duties: SSB 6710
- Timber harvesting and processing developments, report to legislature on state response to: SB 6728
- Water rights, requested to act to prevent intrusion on rights of Washington citizens: SJM 8027

GRAHAM, PATRICK

- Reappointed member, gambling commission, GA 9168 p. 14

GRANT COUNTY

- Wayport and high-speed transportation development study: *SCR 8437 (1990)

GRAVEL

- Outer continental shelf act amendment to share revenues from mineral production with states: SJM 8008

GRAYS HARBOR

- Dredging, required local and corps of engineers contributions, state disbursement of funds ratio: *SHB 2361, CH 1 (1990), SB 6443, SSB 6443

GRAYS HARBOR COMMUNITY COLLEGE DISTRICT NO. 2

- Lynne Glone, trustee, GA 9219 p. 29

GREEN RIVER COMMUNITY COLLEGE DISTRICT NO. 10

- Ronald C. Claudon, trustee, GA 9125, confirmed pp. 95,129
- Virginia E. Cross, reappointed trustee,
GA 9155, confirmed pp. 22,225,348

GROWTH PLANNING

- Comprehensive planning, provisions: *SHB 2929, CH 17 E1 (1990)
- Comprehensive planning requirements, Puget Sound regional authority established: SB 6889
- Growth strategies commission, duties: *SHB 2929, CH 17 E1 (1990)
- Impact fees, cities and counties authorized to assess on new residential and commercial development, conditions: SB 6895
- Puget Sound regional growth authority established, organization and duties: SB 6889
- Puget Sound regional growth plan: SB 6889
- Puget Sound regional land use board of review: SB 6889
- Subdivision approval, additional requirements and conditions: SB 6895
- Washington state growth strategies commission established, membership, powers, duties, and goals: SHB 2140

GUARDIANSHIP

- Incapacitated persons, appointment and termination procedure, duties of guardian: SB 6868, *SSB 6868, CH 122 (1990)
- Incapacitated persons, protection of liberty and autonomy of incapacitated person, restriction to be limited to minimum amount necessary: SB 6868, *SSB 6868, CH 122 (1990)

GUBERNATORIAL APPOINTMENTS

- Appointments made during legislative session, limit on time appointee can serve without confirmation: SB 5767
- Senate confirmation, appointments requiring, additions and deletions: SB 5768
- Special sessions of legislature for purposes of confirming, constitutional amendment: SJR 8215
- Vacancies subject to senate confirmation, appointment to be made within ninety days: SB 5767

GUTIERREZ, KATHLEEN

Trustee, Everett community college district no. 5,
GA 9139 p. 12

HAGEROTT, RUTH J.

Member, western state hospital advisory board,
GA 9220 pp. 27,378

HANDICAPPED PERSONS

Group fishing permits, issuance to licensed care facilities for the physically or
mentally handicapped or senior citizens: *SHB 2293, CH 35 (1990)

HANFORD

Leased lands, authorization for department of ecology to sublease: SSB 5993
Low-level radioactive waste disposal, charges and fees: *SHB 2956, CH 21 (1990)
Plutonium-238 mission, requesting that Congress locate at Hanford: SJM 8019
Reservation, leased lands, promotion of sublease possibilities: SSB 5993, *2SSB
5993, CH 281 (1990)

HANSEN, SENATOR FRANK "TUB"

Appointed agriculture, and transportation committees pp. 11,12
Motion for reconsideration, vote by which senate did not concur
in house amendments to SB 6253 p. 1591

HAYNER, SENATOR JEANNETTE

Appointed law and justice, rules and ways
and means committees pp. 11,12

HAZARDOUS MATERIALS

Financial responsibility, vessels carrying hazardous substances, proof required:
*2SHB 2494, CH 116 (1990)
Oil and hazardous substance spill contingency plans, requirements: SB 6725
Pollution control plan requirements: *SHB 2390, CH 114 (1990)
Reduction in the use of hazardous substances and the generation of waste, technical and planning assistance: SB 6415
Reduction in use and generation of, state assistance and requirements: *SHB
2390, CH 114 (1990)
Releases of, cleanup work, certificate of completion, recording in real property
records: SB 6912
Releases of, recording in real property records, requirements: SB 6912
Spill contingency plans, requirements for vessels and facilities: *2SHB 2494, CH
116 (1990)
State patrol, permanent working group to review transportation and use of
radioactive materials and wastes, duties: SSB 6061
Users, pollution control plan requirements: *SHB 2390, CH 114 (1990)
Users, pollution prevention plan preparation requirements: SB 6415
Vessels carrying, proof of financial responsibility required: *2SHB 2494, CH 116
(1990)
Wildlife rescue coalition, rescue and rehabilitation of animals injured by hazardous materials: 2SHB 2208

HAZARDOUS WASTE

Agricultural land, moratorium on siting disposal facilities near: SB 6252
Disposal facilities siting, moratorium on sites near agricultural lands: SB 6252
Generation fee, imposition and use of revenues: *SHB 2390, CH 114 (1990)
Generators, fees imposed on generating or potentially generating, use of revenues: SB 6415
Generators, pollution control plan requirements: *SHB 2390, CH 114 (1990)
Generators, pollution prevention plan preparation requirements: SB 6415
Low-level radioactive waste disposal, charges and fees: *SHB 2956, CH 21 (1990)

HAZARDOUS WASTE—cont.

- Low-level radioactive waste disposal surcharge, fifty percent to go to surveillance and maintenance costs: 2SSB 5268
- Low-level radioactive waste, perpetual maintenance fund created, authorized uses: 2SSB 5268
- Medical waste disposal and transportation: SB 5446
- Northwest low-level waste compact, Washington may not pay meeting costs for other member states: SSB 5927
- Northwest low-level waste compact, Washington representative, authority to approve access to facilities: SSB 5927
- Pollution control plan requirements: *SHB 2390, CH 114 (1990)
- Reduction in the use of hazardous substances and the generation of waste, technical and planning assistance: SB 6415
- Reduction in use and generation of, state assistance and requirements: *SHB 2390, CH 114 (1990)
- Releases of, cleanup work, certificate of completion, recording in real property records: SB 6912
- Releases of, recording in real property records, requirements: SB 6912

HEAD INJURIES

- Acquired traumatic brain injury, supported employment demonstration projects: SB 6275
- Head injury protection act of 1990: SSB 6184, SB 6190, *SSB 6190, CH 270 (1990)
- Public education programs: SB 6190, *SSB 6190, CH 270 (1990)

HEALTH BOARDS

- Contaminated properties, clean-up or elimination of: *SHB 2906, CH 213 (1990)

HEALTH CARE ASSISTANTS

- Disciplinary authority for profession given same authority over assistants to licenses: SB 6272

HEALTH CARE AUTHORITY

- Authority and duties of, revisions to: *HB 2411, CH 222 (1990), SB 6356
- Conversion contracts for persons who become ineligible under state plan, exceptions: *HB 2411, CH 222 (1990), SB 6356
- Health access and cost containment act of 1990, implementation duties: SB 6248
- School employee health care benefits, basic benefits and employer contributions, duties: *SHB 2230, CH 11 E1 (1990)
- School employee health care benefits, standards, three phase implementation: SHB 2230

HEALTH CARE (See also RURAL HEALTH)

- Access, health access and cost containment act of 1990: SB 6248
- Access task force, membership duties: SB 6270
- Access to health care facility, interference with, gross misdemeanor, action for civil damages: SHB 2622, SB 6599
- Basic health plan, additional employer contributions: SB 6229
- Basic health plan administrator, termination date extended: SB 6270
- Basic health plan, confidentiality of records: HB 2266, *SB 6180, CH 54 (1990)
- Basic health plan, eligibility: SB 6229
- Basic health plan, indemnification of providers: SB 6229
- Basic health plan, participation of crime victims in, eligibility: SB 6597
- Basic health plan, tax on employers authorized to partially fund: SB 6020
- Children's health program: *SHB 2603, CH 296 (1990), SB 6414, SSB 6414
- Chiropractic services, appropriation to department of social and health services for: SB 6163
- Comprehensive health care act: SB 6020
- Comprehensive health care coverage: SB 6229
- Cost containment, health access and cost containment act of 1990: SB 6248

HEALTH CARE—cont.

- Cost control and access commission created: *HCR 4443 E1 (1990)
- Diabetes, health insurance coverage of education costs required: SHB 2583
- Diabetes self-management education coverage, when required: SB 5957, SSB 5957
- Dialysis medications, health insurance coverage requirements: SB 6374
- Facilities, tobacco use prohibited: SHB 1941
- Financing, public and private sources, study and recommendations of state board of health: SB 6737
- Funding, health access and cost containment act of 1990: SB 6248
- Health access and cost containment act of 1990: SB 6248
- Health care access task force, membership and duties: SB 6270
- Health care allocation act of 1990: SB 6737
- Health care cost control and access commission created: *HCR 4443 E1 (1990)
- Health insurance coverage access act, eligibility: SB 6229
- Health insurance pool board, power to indemnify and issue professional liability insurance policies to providers: SB 6229
- Health professional loan repayment program for those working in shortage areas: 2SSB 5182, SSB 6145
- Health promotion and disease prevention districts, state-wide system to be established: SB 6274, SSB 6274, 2SSB 6274
- Health resources panel created, membership, duties, and sponsorship of conferences: SB 5711
- Insurance, cancellation for nonpayment of premiums, notice requirements: SB 6798
- Insurance cancellation for nonpayment of premiums, notice requirements: SB 6798
- Insurance costs, commission on, to review factors influencing costs: SSB 6834, 2SSB 6834
- Insurance, diabetes education cost coverage required: SHB 2583
- Insurance or group plan coverage for employers of fewer than one hundred employees: SB 6834
- Insurance or group plan coverage for employers of fewer than twenty-five employees: *SB 6834, CH 187 (1990)
- Insurance, participation by retired or disabled school or educational service district employees: SB 6885
- Insurance, uniform claim form: SB 6269
- Interference with access to health care facility, gross misdemeanor, action for civil damages: SHB 2622, SB 6599
- Loan forgiveness for health professionals working in shortage areas: 2SSB 5182, SSB 6145, SSB 6145
- Low fat and cholesterol awareness program: SSB 5021
- Medicine, dentistry, and pharmacy careers, study on available training and career mobility: SB 5744, SSB 5744
- Planning, universal health care plan: SHB 2252
- Professional liability, joint select commission on, formation, organization, and duties: SCR 8413
- School employee benefits, basic benefits and employer contributions: *SHB 2230, CH 11 E1 (1990)
- School employee benefits, standards, three phase implementation: SHB 2230
- School service contract employees, required benefits: HB 2466
- Universal health access and cost containment commission, membership and duties: SB 6248
- Universal health access and cost containment act of 1990: SB 6248
- Universal health access and cost containment commission act of 1990, organization and duties: SHB 2252

HEALTH CARE SERVICE CONTRACTORS

- Insolvency, continuation of benefits: *SHB 3002, CH 120 (1990)
- Participating providers may not maintain action against participant for sums owed by contractor: *SHB 3002, CH 120 (1990)
- Rehabilitation, liquidation, or conservation of, procedures and requirements: *SHB 3002, CH 120 (1990)
- Reserve requirements: *SHB 3002, CH 120 (1990)
- Solvency protection procedures and requirements: *SHB 3002, CH 120 (1990)

HEALTH, DEPARTMENT OF

- Kristine M. Gebbie, appointed secretary, GA 9165 pp. 18,1093
- Alcohol and drug misuse, diversion, and abuse, interdepartmental coordinating committee on, membership and duties: SB 6710
- Backflow prevention assembly and crossflow connection testers, certification requirements: SSB 6691
- Cancer reporting, rulemaking authority and requirements: *2SHB 2077, CH 280 (1990)
- Center for health promotion and disease prevention, duties: SSB 6274, 2SSB 6274
- Community violence prevention and intervention pilot programs: 2SHB 2543
- Controlled substances and alcohol use during pregnancy, local prevention programs: SB 6458
- Emergency medical services and trauma care system, departmental duties: SB 6191, *SSB 6191, CH 269 (1990)
- Farmworker housing inspection procedures and standards: SB 6780, SSB 6780, *2SSB 6780, CH 253 (1990)
- Food products, prevention of contamination during transport, rulemaking authority: *SB 6164, CH 202 (1990)
- Food products transportation, secretary to publish list of nonfood items that will not render food items unsafe: 2SHB 2270
- Head injury prevention program, departmental duties: SB 6190, *SSB 6190, CH 270 (1990)
- Health professional temporary substitute resource pool: SHB 2566, SB 6418, SSB 6418, *2SSB 6418, CH 271 (1990)
- Health promotion and disease prevention, center for, duties: SSB 6274, 2SSB 6274
- Health promotion and disease prevention districts, to establish state-wide system: SB 6274, SSB 6274, 2SSB 6274
- Health promotion and disease prevention division, duties: SB 6274
- Industrial radiography license fees, limitation on: SB 6908
- Interns and residents, hours of work, authority to limit by rule: SB 6228
- Mental health treatment, services, and institutions, transfer or responsibility to department: SB 6181
- Nonionizing radiation, duties relating to: *SB 6520, CH 173 (1990)
- Nursing homes, administrative authority in regard to: SB 6404
- Pregnancy, use of controlled substances and alcohol, local prevention programs: SB 6458
- Public water systems, receivership actions against failing systems: SB 6447, *SB 6447, CH 133 (1990)
- Public water systems, review and approval duties: *2SHB 2379, CH 9 E1 (1990), SB 6446, *SSB 6446, CH 132 (1990)
- Public water systems, to receive complaints concerning failures of: SB 6446, *SB 6446, CH 132 (1990)
- Radiation control agency, designation as state: *SB 6520, CH 173 (1990)
- Radiologic technologists regulation and licensing, extension of regulatory authority under provisions of sunset act: *SB 6210, CH 6 (1990)
- Rural physician and midwife scholarship program: SHB 2566, SB 6418
- Sex offender therapists, regulation and certification of: SB 6283
- Technical corrections to department of health statutes: HB 2912

HEALTH, DEPARTMENT OF—cont.

Transportation of food products, prevention of contamination during, rulemaking authority: *SB 6164, CH 202 (1990)

Trauma, emergency medical services and trauma care system, departmental duties: SB 6191, *SSB 6191, CH 269 (1990)

Violence prevention, public health intervention strategy: 2SHB 2543

Water reuse and recycling, rules and implementation plans: SB 6502, SSB 6502

HEALTH MAINTENANCE ORGANIZATIONS

Insolvency, continuation of benefits plan required: *SHB 3001, CH 119 (1990)

Net worth and reserves requirements: *SHB 3001, CH 119 (1990)

Rehabilitation, liquidation, or conservation of, procedures and requirements: *SHB 3001, CH 119 (1990)

Solvency protection procedures and requirements: *SHB 3001, CH 119 (1990)

HEALTH, STATE BOARD OF

Birth certificates, information that may be required on, rulemaking authority: HB 2796

Cancer reporting and registry, rulemaking authority: *2SHB 2077, CH 280 (1990)

Certification and licensing of persons authorized to design or install on-site sewage disposal or public water systems: SB 6783

Contaminated properties, clean-up or elimination of, rulemaking authority: *SHB 2906, CH 213 (1990)

Health care system study and recommendations, requirements: SB 6737

Labor camp standards, rulemaking authority: SB 6780, SSB 6780, *2SSB 6780, CH 253 (1990)

Local improvement districts, cannot condition on-site sewer permits on membership in: SSB 5135

On-site sewer system permits, boards cannot condition on membership in local improvement district: SSB 5135

HEALTH STUDIOS

Contracts, term of contract is thirty-six months when not specified in contract: SB 5538, *SB 6201, CH 55 (1990)

Initiation and membership fees, clause concerning nonrefundable amounts required in contracts: *SB 6201, CH 55 (1990)

Martial arts instruction included in definition: SB 5538, *SB 6201, CH 55 (1990)

HEARING AIDS

Fitters and dispensers licensing requirements: SB 5511

HEATING

Residential space heating, involuntary disconnection during winter months: SB 6847

HENDRICKS, D. G.

Reappointed member, small business export financial assistance center board of directors, GA 9232 pp. 46,932

HERITAGE COUNCIL

Local heritage organizations, grant-in-aid program for, duties: SB 6734, SSB 6734

HESS, ANDREW S.

Reappointed member, higher education coordinating board, GA 9169, confirmed pp. 17,574,762

HESTON, DR. LEONARD L.

Member, eastern and western state hospital advisory board, GA 9244 p. 564

HIGH VOLTAGE LINES

Electric transmission research needs task force, membership and duties: *SSB 6771, CH 138 (1990)

HIGH VOLTAGE LINES—cont.

Transmission lines and magnetic fields, location to minimize exposure, study requirements: SB 6771

HIGHER EDUCATION COORDINATING BOARD

Andrew S. Hess, reappointed member,
GA 9169, confirmed pp. 17,574,762

M. Lyle Jacobsen, reappointed member,
GA 9171, confirmed pp. 17,226,414

Mary C. James, reappointed member,
GA 9172, confirmed pp. 17,575,763

American Indian endowed scholarship program: *SHB 2831, CH 287 (1990)

Branch campuses, designation of regional university or state college to provide upper-division courses and degrees: SB 6553

Branch campuses, designation of research university to provide graduate courses and degrees: SB 6553

First generation scholars program: SB 6490

Graduate teacher fellowship program administration: SB 5226

Local master's degree teacher training program: SHB 2533

Local master's degree teacher training program, duties: SSB 6294

Nurses, state-wide plan for nursing education to be developed: SSB 6145

Pacific Rim language scholarship program, administrative duties: *SSB 5450, CH 243 (1990)

Pacific Rim language teachers conditional scholarship program: SB 6439

Pacific Rim language teachers conditional scholarship program administration: SSB 5450

Placebound students, assessment of needs not addressed by branch campuses: SB 6626, *SSB 6626, CH 288 (1990)

Placebound students, Clallam and Jefferson counties, assessment of needs not addressed by branch campuses: SSB 6626

Placebound students, educational opportunity grant program: *SSB 6626, CH 288 (1990)

Rural health practice, to develop training plan: SSB 5175, SSB 6145

Rural physician and midwife scholarship program: SSB 6418, 2SSB 6418

Rural physician, pharmacist, and midwife training program: *2SSB 6418, CH 271 (1990)

Single parents in higher education assistance program: HB 2489

Summer motivation and academic residential training program: SB 6738

Video telecommunications system, grant program administration and educational telecommunications duties: SB 6219, SSB 6219, 2SSB 6219

Writing project for educators, administration of: SSB 5227

HIGHER EDUCATION FACILITIES AUTHORITY

Robert K. Powers, reappointed member,
GA 9133, confirmed pp. 134,202

HIGHER EDUCATION PERSONNEL BOARD

Grace Y. Chien, reappointed member,
GA 9150, confirmed pp. 14,225,303

Contracts for services, employees exempt from regulation
by: SB 6715, SB 6890

HIGHLINE COMMUNITY COLLEGE DISTRICT NO. 9

Marilu Brock, reappointed trustee,
GA 9147, confirmed pp. 20,96,143

G. S. Robinson, member, GA 9111, confirmed pp. 134,157

HIGHTOWER, JIM

Agriculture commissioner from state of Texas introduced and addressed senate
p. 560

HISTORIC PRESERVATION

- Current use valuation of historic properties for tax purposes: SSJR 8212
- Endangered landmarks preservation fund: SB 6515
- Local heritage organizations, grant-in-aid program for, duties of state heritage council: SB 6734, SSB 6734
- Property tax exemption extended: SB 5699
- Survey of endangered historic sites to be conducted at least biennially: SB 6515
- Theaters, authorization for department of community development to make grants to prevent demolition of historic: SSB 6230
- Theaters, state assistance to preserve, appropriation for: SB 6230

HODGE, MINH-ANH

- Reappointed trustee, columbia basin community college district no. 19, GA 9170 p. 24

HOLIDAYS

- National Guard Day created: SB 5484

HOLLIDAY, TARA LEIGH

- Apple blossom princess introduced p. 557

HOMELESS PERSONS

- Child care services for: SB 6516, 2SSB 6516
- Homeless education grant program created: 2SHB 2359, SB 6218, SSB 6218
- Homelessness prevention program: 2SHB 2405
- Shelters, property tax exemption: *HB 1307, CH 283 (1990), SHB 2996

HOMESTEADS

- Exemption amount raised to thirty-five thousand dollars: SB 5798

HOOD CANAL

- Fish preservation area established south of Hood Canal floating bridge: SSB 5146

HORSES

- Equine program created in department of animal sciences and college of veterinary medicine, Washington state university: SB 6601, SSB 6601
- Horse trailers, exemption from commercial driver's license requirement for persons towing: *SB 6464, CH 56 (1990), SB 6561

HOSPICE CARE

- Hospice benefits extended: *HB 2410, CH 25 (1990)

HOSPITAL COMMISSION

- Repeal of statutes relating to: *HB 2562, CH 52 (1990)
- Rural hospital rates, exemption from requirement of commission approval: SSB 6145

HOSPITALS

- Certification of hospitals for the delivery of tertiary services: SSB 5386
- Charity care, admissions policy must not result in significant reduction in: SSB 5385
- Collection and analysis of hospital data to be undertaken: SSB 5385
- Data collection and analysis: SSB 5385
- Emergency department, turning away, discharge, or transfer of patient, when allowed: SSB 5385
- Hospital data and charity care information act: SSB 5385
- Interns and residents, hours of work, to adopt policies governing: SB 6228
- Physicians, hospital employing not engaged in the unlicensed practice of medicine: SB 5387
- Standards of care: SB 5077
- Tertiary services, certification required for hospitals to render: SSB 5386

HOTELS AND MOTELS

Dead bolt locks required for rented and leased residences: SB 6373

HOUSING

- Construction, application of state energy code to new residential housing: SB 6477
- Contaminated properties, clean-up or elimination of: *SHB 2906, CH 213 (1990)
- Convention and trade center, funding for construction of low-income housing near state center: *HB 2988, CH 181 (1990)
- Current use valuation of property devoted to low-income housing and containing five or more low-income dwelling units: *2SSJR 8212 (1990)
- Dead bolt locks required for rented and leased residences: SB 6373
- Drug prevention plan for assisted housing, requirements: SHB 2971
- Energy efficiency rating system for new and existing residences, state energy office study: SSB 6823
- Energy efficiency rating system for new residential construction study: SB 6823
- Energy efficient residential building standards: SB 6477
- Extended-family care act: SB 6454
- Farmworker housing, grant and loan program, eligibility: 2SHB 1663
- Farmworker housing inspection procedures and standards: SB 6780, SSB 6780, *2SSB 6780, CH 253 (1990)
- Farmworker housing, leases of state and county owned lands for: *2SSB 6780, CH 253 (1990)
- Farmworker housing, model or prototype construction plans and manuals, development, distribution, and use of: *2SSB 6780, CH 253 (1990)
- Federally assisted housing, involuntary displacement of tenants, owners' obligations: SB 5795, SSB 5795
- Federally assisted housing preservation act: SHB 2536
- Federally assisted housing preservation advisory committee, organization and duties: SHB 2536
- Federally assisted housing purchase act: SB 6367
- Federally assisted housing, register of public entities interested in purchasing, notification procedures: SHB 2536
- First refusal right given to local governments in the purchase of federally assisted housing: SHB 2536
- First refusal right given to specified entities in purchase of federally assisted housing developments: SB 6367
- Grant or loan assistance applications, drug prevention plan required: SHB 2971
- Housing trust fund, applicant evaluation, priorities and criteria: SHB 2436
- Involuntary displacement of tenants from federally assisted housing, owners' obligations: SB 5795, SSB 5795
- Low-income, current use valuation of property devoted to and containing five or more low-income dwelling units: *2SSJR 8212 (1990)
- Low-income, funding for construction near state convention and trade center: *HB 2988, CH 181 (1990)
- Low-income home energy assistance: *HB 2667, CH 1 E1 (1990), SB 6680
- Low-income housing, classification procedure: SB 5550, SSB 5550, 2SSB 5550, *3SSB 5550, CH 168 (1990)
- Low-income housing, constitutional amendment to allow current use valuation of: SJR 8238
- Low-income housing, current use valuation and taxation of, classification procedures: SB 6794
- Low-income housing, property devoted to, to be taxed a current use value: SB 5550, SSB 5550, 2SSB 5550, *3SSB 5550, CH 168 (1990)
- Low-income, registry of public property available for development as: HB 1715
- Nursing homes included in definition of housing for purposes of housing finance commission: *SB 6574, CH 167 (1990)

HOUSING—cont.

- Property used for low-income housing to be valued at current use value: SJR 8212, SSJR 8212, 2SSJR 8212
- Public housing, projects not receiving rent subsidies, rental conditions: SHB 2446
- Public housing, state and other public bodies authorized to sell or convey its property to develop low-income housing: SHB 2446
- Public housing, urban revitalization pilot projects: SB 6662, SSB 6662
- Public property available for development of low-income housing, register created: HB 1715
- Relocation assistance for low-income tenants, local government authority to collect from developers: *SHB 2929, CH 17 E1 (1990)
- Residential housing, application of state energy code to new construction: SB 6477
- Residential space heating, involuntary disconnection during winter months: SB 6847
- Sale of federally assisted housing development: SB 6367
- Single family residences, conversion to include separate units for use by relatives within existing space allowed: SB 6454
- Tenants, involuntary displacement from federally assisted housing, owners' obligations: SB 5795, SSB 5795
- Urban advisory board, urban revitalization pilot projects, duties: SB 6662, SSB 6662
- Urban revitalization pilot projects: SB 6662, SSB 6662
- Valuation of property devoted to low-income housing at current use value for taxing purposes: SB 5550, SSB 5550, 2SSB 5550, *3SSB 5550, CH 168 (1990)

HOUSING FINANCE COMMISSION

- Reverend Leo C. Brown, reappointed member, GA 9148 p. 15
- Harlan D. Douglass, reappointed member, GA 9158 p. 15
- Nonprofit corporation facilities, authority to issue revenue bonds for: *SB 6574, CH 167 (1990)
- Nursing homes included in definition of housing: *SB 6574, CH 167 (1990)

HUMAN REMAINS

- County responsibility for transportation costs to site other than funeral establishment, conditions and limitations: SHB 2279
- Disturbance or removal of, class C felony: *HB 2335, CH 92 (1990), SB 6379
- Transportation costs to site other than funeral establishment, county responsibility for, conditions and limitations: SHB 2279

HUMAN RESOURCES, DEPARTMENT OF

- Employee recruitment, retention, and development, duties: HB 2567, SB 6444
- Personnel, department, change of name, duties: HB 2567, SB 6444

HUMAN RIGHTS COMMISSION

- John C. Little, member, GA 9176 pp. 14, 1436
- Familial status or sexual orientation, discrimination on basis of, within jurisdiction of commission: SHB 2072
- Sexual orientation or familial status, discrimination on basis of, within jurisdiction of commission: SHB 2072

HUNTING

- Game animals, transport tag requirements: *SHB 2576, CH 84 (1990), SB 6604
- Guides, license required: SB 6196
- Hounds, restrictions on the use of hounds in hunting or pursuing game animals, penalties set for violations: SB 6197
- License, eligibility of veterans for free license: SSB 5087
- Littering, fines and revocation of license for: SSB 6724
- Littering, revocation of license for: SB 6724
- Permits, special hunts, sale by raffle or sealed bid authorized: HB 2577, SB 6603

HUNTING—cont.

- Search and rescue fund, to be funded by surcharge on hunting and fishing licenses: SB 6038
- Supplemental stamps and punchcards, game birds, except for migratory waterfowl stamp become permits: *SHB 2576, CH 84 (1990), SB 6604

IDENTIFICATION

- Fictitious or fraudulent driver's license or identicard, display or possession of, misdemeanor: SB 6524

INDUSTRIAL INSURANCE APPEALS, BOARD OF

- Frank E. Fennerty, reappointed member, GA 9138 pp. 12,931

IMMIGRATION

- Family relationships accepted by the United States immigration and naturalization service are presumed valid: *SHB 1565, CH 175 (1990)

IMMUNITY

- Food donors, immunity from civil liability, distribution of information regarding to food service establishments: SB 6619
- Landowners, immunity for landowners who allow volunteer groups to use land: SB 5424
- Obstetrical emergency care for medicaid patients, physician immunity and indemnification: SB 6020
- Parks and recreation commission, unintentional injuries to persons on lands open for winter recreation: HB 1623, *SB 6559, CH 136 (1990), SB 6672
- Pharmacists, civil liability limited to acts of willful or negligent conduct in filling prescription: SB 5597
- Physicians providing charity emergency obstetrical care, immunity from civil liability: SB 6229
- Public agencies, officials, and employees, additional limits on civil liability: SB 6888
- Volunteers, conditions of and limitations on immunity: SB 6320

INDETERMINATE SENTENCING REVIEW BOARD

- Kaye Adkins, reappointed member, GA 9235 pp. 136,1436
- David L. Carlson, reappointed member, GA 9237 pp. 136,1436
- Robert E. Trimble, member, GA 9238 pp. 136,1436

INDIANS

- American Indian endowed scholarship program: *SHB 2831, CH 287 (1990)

INDIGENTS

- Legal assistance fund created, funding and distribution of funds: SHB 1237

INDUSTRIAL DEVELOPMENT CORPORATIONS

- Formation authorized: SB 5204

INDUSTRIAL INSURANCE APPEALS, BOARD OF

- Frank E. Fennerty, reappointed member, GA 9138 pp. 12,931
- Attorney's fees, application procedure for services in proceedings before board: HB 2273, *SB 6514, CH 15 (1990)

INDUSTRIAL LOAN COMPANIES

- Willful and knowing violation of chapter regulating companies or supervisor of banking rule, misdemeanor: SB 6833

INDUSTRIAL RADIOGRAPHY

- Licenses, annual fee limitation: SB 6908

INDUSTRIAL SAFETY AND HEALTH

- Civil and criminal penalties for violations of industrial welfare laws: HB 2510, SB 6566

INDUSTRIAL SAFETY AND HEALTH—cont.

Navigable waters, health and safety standards for commercial workers on or within, department of labor and industries to adopt: SHB 2452

Violations of industrial welfare laws, civil and criminal penalties: HB 2510, SB 6566

Worker and community right to know act, business office exemption from act: SB 6818

INFECTIOUS WASTE

Generators, regulation: SB 6333

Management plans and standards, enforcement procedures: SB 6333

Offsite storage operators and treatment operators, permit requirements: SB 6333

Solid waste collection tax, additional tax imposed, revenue to go to infectious waste management account: SB 6333

INFORMATION SERVICES, DEPARTMENT OF

Video, state-wide video telecommunications system development, administrative duties: SB 6219, SSB 6219, 2SSB 6219

Video telecommunications, lead agency for services to all state agencies: *SHB 2403, CH 208 (1990)

INITIATIVE AND REFERENDUM

Ballot titles, preparation and appeals procedure: SSB 5723

Constitutional amendments, constitutional amendment to allow proposal of amendments by initiative: SJR 8237

Initiatives, constitutional amendment requiring eighty percent of signatures to be from voters evenly distributed among congressional districts: SJR 8236

Initiatives, eighty percent of signatures to be from voters evenly distributed among the congressional districts: SB 6721

Petitioners' names to remain confidential: SHB 1669

INLAND EMPIRE/PUGET SOUND SUPER SPEED INTERCONNECT COMPANY

Organization and purposes: SB 6442

Rapid transit rail system between Seattle and Moses Lake, to construct and operate: SB 6442

INSTITUTIONS

Standards of care: SB 5077

INSURANCE

Agency contracts, cancellation: HB 2417, *SB 6388, CH 121 (1990)

Agents, brokers, and solicitors, business and occupation tax, amnesty and credits: SB 6440, SSB 6440, 2SSB 6440

Agents, brokers, and solicitors, exemption from business and occupation tax: SB 6433

Automobile insurance corporation, public nonprofit corporation created: SB 6758

Business and occupation tax, agents, brokers, and solicitors, amnesty and credits: SB 6440, SSB 6440, 2SSB 6440

Business and occupation tax, exemption of agents, brokers, and solicitors from: SB 6433

Cancellation of contracts between insurers and agents: HB 2417, *SB 6388, CH 121 (1990)

Cancellation or nonrenewal not permitted because of termination of contract between insurer and agent who wrote policy: HB 2417, *SB 6388, CH 121 (1990)

Commercial fishers, pooling of funds by, removed from definition of insurer: *SB 6564, CH 130 (1990)

Diabetes self-management education coverage required: SB 5957, SSB 5957

Dialysis medications, health insurance coverage requirements: SB 6374

INSURANCE—cont.

- Earthquake, petitioning Congress to support federal earthquake insurance and earthquake project: *SJM 8025 (1990)
- Health care, basic group plan for employers of fewer than one hundred employees: SB 6834
- Health care, basic group plan for employers of fewer than twenty-five employees: *SB 6834, CH 187 (1990)
- Health care, cancellation for nonpayment of premiums, notice requirements: SB 6798, SSB 6798
- Health care, diabetes education cost coverage required: SHB 2583
- Health care, dialysis medications, coverage requirements: SB 6374
- Health care insurance costs, commission on, to review factors influencing costs: SSB 6834, 2SSB 6834
- Health care, participation by retired or disabled school or educational service district employees: SB 6885
- Health care plans cannot require patient to use only a designated pharmacy: SB 5596, SB 6375
- Health care, school employees, basic benefits and employer contributions: *SHB 2230, CH 11 E1 (1990)
- Health care, school employees, standards, three phase implementation: SHB 2230
- Health care, uniform claim form: SB 6269
- Health, diabetes self-management education coverage: SB 5957, SSB 5957
- Insurer, pooling of funds by commercial fishers removed from definition: *SB 6564, CH 130 (1990)
- Life and disability insurance guaranty association, revision of statutes pertaining to: *HB 2901, CH 51 (1990)
- Local government self-insurance pools, joint select committee to study: *SHB 2933, CH 26 (1990)
- Medicare supplemental health, age not to be used as a basis for rating cost to any individual: HB 1505
- Mortgage, disclosure of right to cancel, if any: HB 2606
- Motor vehicle, denial cannot be based on applicant's credit report: SB 6466
- Motor vehicle, mandatory arbitration of liability claims: SB 6883
- Motor vehicle, minimum coverage requirements: SB 6883
- Motor vehicle, no-fault, required an optional coverage, claims procedure: SB 6877
- Motor vehicle, nonrenewal not to be based on accident in which insured was less than fifty percent at fault: HB 2638
- Motor vehicle, personal injury benefits coverage requirements: SHB 2651
- Motor vehicle, personal injury protection coverage, requirements and exceptions: SB 6882
- Motor vehicle, refusal to insure, no previous or high risk policy, insufficient reason: SB 6883
- Motor vehicle, sales, conditions placed on insurer: HB 2638
- Personal injury benefits coverage in motor vehicle policies: SHB 2651
- Pharmacies, health care plans cannot require patient to use only a designated pharmacy: SB 5596, SB 6375
- Professional liability, joint select commission on, formation, organization, and duties: SCR 8413
- Property, denial not to be based on information in applicant's credit report: SB 6550
- Radioactive materials handled under state license or permit, liability coverage requirements: SB 6575, *SSB 6575, CH 82 (1990)
- Real property insurance, "actual cash value" and "cost of replacement" defined: SB 6887
- Reciprocal insurance exchanges, authority to engage in real estate transactions: SHB 2515

INSURANCE—cont.

- Rural health care service arrangements: SHB 2566, SB 6418, *2SSB 6418, CH 271 (1990)
 Statutes, technical and procedural amendments: *SHB 2416, CH 3 E1 (1990), SB 6381, SSB 6381
 Title insurers, copies of public records, not unfair practice to provide to insured: SB 6808
 Title insurers, doing business in other counties, tract index requirements: SB 6589, *SSB 6589, CH 76 (1990)
 Title insurers, purchase of insurance policy from in-county agent by out-of-county agent, requirements: *SSB 6589, CH 76 (1990)
 Washington automobile insurance corporation, public nonprofit corporation created: SB 6758

INSURANCE COMMISSIONER

- Insurance statutes, technical and procedural amendments: *SHB 2416, CH 3 E1 (1990), SB 6381, SSB 6381
 Position made appointive rather than elective: SSB 6837
 Rural health care service arrangements: SHB 2566, SB 6418, *2SSB 6418, CH 271 (1990)
 Rural health insurance, availability and coverage, to make recommendation concerning: *2SSB 6418, CH 271 (1990)
 Uniform health care insurance claim form: SB 6269
 Workers' compensation responsibilities transferred to department of labor and industries: HB 1791

INTERGOVERNMENTAL COOPERATION

- Leadership conference called for Pacific Northwest states and provinces to discuss cooperative efforts in the fall of 1990: *SCR 8440 (1990)

INTERLOCAL COOPERATION

- Agreements need not be filed with secretary of state: HB 1223

INTERNATIONAL MARKETING INTERNSHIP PROGRAM

- Establishment: SB 5007, SSB 5007, 2SSB 5007

INTERNATIONAL POLICY ADVISORY COUNCIL

- Establishment: 2SSB 5002

INTERNATIONAL TRADE

- European international trade office to be established: SB 6202, 2SSB 6202
 Pacific Northwest interstate compact on international trade enacted: SB 5631
 Toronto, international trade office to be established: SB 6202
 Trade offices, organization, purpose, and duties: SB 6202, SSB 6202, 2SSB 6202

INTOXICATION

- Blood and breath alcohol concentration standards for persons under twenty-one: HB 2334

INVESTMENT, BOARD OF

- James F. Ryan, reappointed member.

GA 9143, confirmed pp. 29,574,665

INVESTMENTS

- Investment adviser registration, not required of registered broker-dealer acting as financial planner: SB 6811

INVOLUNTARY COMMITMENT

- Drug addiction treatment, procedure to commit for: SB 6876
 Mentally disordered sexually dangerous persons, commitment and release of, procedures: SB 6208
 Sexual predators, governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)

IRRIGATION DISTRICTS

Bidding requirements, notice: *SHB 1394, CH 39 (1990)

Bidding requirements, when public bidding not required: *SHB 1394, CH 39 (1990)

Directors, maximum compensation rate set at four thousand eight hundred dollars per year: *HB 1881, CH 38 (1990)

Local improvement districts, consolidated, authority to form: HB 2444

Small works roster may be used on projects of less than one hundred thousand dollars: *SHB 1394, CH 39 (1990)

Subdivision of land wholly or partially within district: *HB 2473, CH 194 (1990), SB 6630

JACOBSEN, LYLE

Reappointed member, higher education coordinating board.

GA 9171, confirmed pp. 17,226,414

JAILS

Bonds, authorization to issue general obligation bonds to fund construction and remodeling of: SB 6620

Construction and renovation, appropriation to fund: SB 6658

Criminal defendants, when able, required to pay costs of jail processing: SSB 5547

Inmate housing authority board, membership and duties: SB 6658

Jail standards incentive board, membership and duties: SB 6419, SSB 6419, 2SSB 6419

Labor by prisoners, reduction in amount of outstanding fines and costs, rate increase: SB 6676

Local justice assistance board, local jail funding: SHB 2833

Processing costs, defendant, when able, required to pay costs: SSB 5547

Processing costs, defendant's liability for: SB 6909

Regional jail facilities: SB 6419

Telephone conversations, monitoring and recording of inmate calls, procedure and limitations: SB 5912

Yakima county, appropriation to fund construction and expansion of jail facilities: *SHB 3035, CH 13 E1 (1990)

JAMES, MARY C.

Reappointed member higher education coordinating board.

GA 9172 pp. 17,575,763

JARVIS, SALLY

Trustee, Bellevue community college district no. 8, GA 9230 p. 26

JET SKIS

Personal watercraft regulation, safety requirements: SB 6488, SSB 6488

Safety standards: *SHB 2421, CH 231 (1990)

JOHNSON, SENATOR STANLEY C.

Appointed financial institutions and insurance,

vice chair; health and long-term care, rules,

and ways and means committees pp. 11,12

JOINT MEMORIALS

American Legislative Exchange Council, invitation to hold 1991 meeting in Seattle: *HJM 4037 (1990)

Bypass facilities at hydroelectric projects, requesting that army corps of engineers implement agreement on: SHJM 4017

Columbia river, commemoration of 200th anniversary of the discovery of, joint celebration with state of Oregon: *SJM 8017 (1990)

Earthquake project and federal earthquake insurance, petitioning Congress to support: *SJM 8025 (1990)

JOINT MEMORIALS—cont.

- Forest lands, requesting that Congress take action to assist timber processing communities affected by allowable-cut reductions: *SJM 8023 (1990)
- Medical treatment for handicapped children of military parents, requesting that Congress require CHAMPUS to pay expenses: SJM 8022
- Missing in action/prisoner of war Americans, requesting Congress to authorize disclosures concerning: *SJM 8020 (1990)
- Outer continental shelf act amendment to require consultation with states prior to oil and gas lease sales: SJM 8009
- Outer continental shelf act amendment to share revenues from mineral production with states: SJM 8008
- Pacific Coast Highway Corridor consensus plan, request for federal strategy to develop: HJM 4024
- Paper stock, requesting Congress to require that imported stock meet United States standards: SJM 8024
- Pensions, taxation of, requesting that Congress allow taxation only by state of residency: *SJM 8018 (1990)
- Plutonium-238 mission, requesting that Congress locate at Hanford: SJM 8019
- Poll closing, asking federal government to adopt uniform poll closing law: HJM 4006
- Railroad holding tank dumping on right of way to be discontinued: *SJM 8003 (1990)
- Sales tax deductibility from federal income tax, requesting that Congress restore: HJM 4012
- Sam Guess memorial bridge, requesting that the new Division street bridge in Spokane be named: *HJM 4030 (1990)
- Steelhead, elk, and deer, requesting that commercial sales be prohibited: SSJM 8014
- Transit passes and parking, equal income tax treatment of employer-provided passes and parking requested: HJM 4019
- Veterans exposed to toxic chemicals, expression of support to Congress and the President for: SJM 8021
- Veterans exposed to toxic chemicals, requesting support for: HJM 4031
- Water rights, requests that the federal government and California respect the rights of Washington citizens: SJM 8027

JOINT RESOLUTIONS

- Classification of improvements to property, legislature may classify in any reasonable manner: SJR 8232
- Common school construction fund, constitutional amendment to allow for retirement of bonds from fund: SJR 8222, SSJR 8222
- Congressional pay raises, ratifying amendment to United States Constitution on: SJR 8228
- Constitutional amendments, constitutional amendment to allow proposal of amendments by initiative: SJR 8237
- County boundary changes, requirements amended: *HJR 4203 (1990)
- County charters, alternative method for framing, constitutional amendment: HJR 4200
- Criminal justice services, constitutional amendment to allow cities to levy additional tax for: SJR 8240
- Criminal justice services, constitutional amendment to allow counties to levy additional tax for: SJR 8234, SJR 8235
- Current use valuation of property devoted to low-income housing and containing five or more low-income dwelling units: *2SSJR 8212 (1990)
- Fire protection levies by fire protection district, city, or town, limitations on: SJR 8230
- General obligation bonds for capital purposes, constitutional amendment to change voting validation requirements: HJR 4228, SJR 8233

JOINT RESOLUTIONS—cont.

- Gubernatorial appointments, special sessions for purpose of confirming, constitutional amendment: SJR 8215
- Initiatives, constitutional amendment requiring eighty percent of signatures to be from voters evenly distributed among congressional districts: SJR 8236
- Local government, review and modification: SHJR 4204
- Low and middle income families property tax exemption, constitutional amendment to authorize: SJR 8227
- Low-income housing, constitutional amendment to allow current use valuation of: SJR 8238
- Property tax, excess levies for up to six years, taxing districts authorized to seek: *HJR 4231, E2 (1990), SJR 8241
- Property tax exemption for low and middle income families, constitutional amendment to authorize: SJR 8227
- Property used for low-income housing to be valued at current use value: SJR 8212, SSSJR 8212, 2SSJR 8212
- Public sector competition, joint select committee on established: SSCR 8404
- State auditor, auditing authority extended to records and financial transactions of all agencies of state government: SJR 8229
- State offices and executive department branches, location, constitutional amendment: SSSJR 8221
- State offices and executive departments, location, constitutional amendment: SJR 8221
- Taxing districts, constitutional amendment to allow imposition of six-year tax levies: HJR 4227
- Trust fund investment, constitutional amendment to allow: SJR 8239
- Video testimony allowed by children under ten who are sexual abuse victims: SJR 8231

JOINT SESSIONS

- Governor's state of state address p. 50
- Washington State medal of merit winners recognized p. 190

JONES, NOEL

- Consul of Britain introduced p. 252

JUDGES

- Administrative appeals judges, environmental hearings office: *SB 5712, CH 65 (1990)
- Disqualification, reasons, procedure: SB 6570
- Environmental hearings office, administrative appeals judges: *SB 5712, CH 65 (1990)
- Pro tempore municipal court judges, appointment of district court judges as, authorized in cities over 400,000: *HB 2492, CH 182 (1990)
- Pro tempore service by retired judges, ninety day limit without reduction in retirement removed: SB 6165, SSB 6165
- Retired judges, ninety day limit on pro tempore service without reduction in retirement removed: SB 6165, SSB 6165
- Retirement contributions, refunds to former judges, conditions: HB 2763
- Retirement system, public employment without loss of benefits, conditions: *SHB 2644, CH 274 (1990)
- Retirement system, survivorship options: *SHB 2643, CH 249 (1990), SB 6592

JUDGMENTS

- Execution, exemption of property from out-of-state judgment for failure to pay that state's income tax on pension or retirement benefits: SB 6357, SB 6552
- Interest on, provisions applicable to private and public judgment debtors: SB 6817

JUDGMENTS—cont.

Interest, when defendant refuses settlement offer and claimant receives more favorable judgment, calculation: SB 6817

JUDICIAL CONDUCT, COMMISSION ON

Ruth V. Coffin, member, GA 9009, confirmed pp. 308,383
 Nancyhelen Fischer, member, GA 9019, confirmed pp. 308,468
 Santos U. Ortega, member, GA 9183 p. 23
 K. Collins Sprague, alternate member,
 GA 9196, confirmed pp. 18,309,1502

JURIES AND JURORS

Excuse from jury duty, any person making timely request: SB 6507
 Juror summons, county clerk may assume responsibility for all courts: *HB 2306,
 CH 140 (1990)
 Jurors to be compensated at rate at least equal to state minimum wage: SB 6879
 Jury source list, defined to include licensed drivers: SB 5953, SSB 5953
 Selection and summoning of juries: SHB 2467
 Size of jury, eminent domain actions: SHB 2467

JUSTICE, DEPARTMENT OF

Corrections standards board, membership and duties: SB 6623
 Created, organization and duties: SB 6623
 Interagency criminal justice coordinating council, membership and duties: SB
 6623
 Juvenile justice advisory committee, membership and duties: SB 6623

JUVENILE COURT

At-risk youth, petition, out-of-home residential placements: SB 6610, SSB 6610,
 *2SSB 6610, CH 276 (1990)
 Dependency proceeding, notice of appeal or notice for discretionary review,
 requirements: SSB 6814
 Dependency proceedings when child taken into custody for his or her protection:
 SB 6814
 Shelter care hearings, requirements and procedures: *2SHB 2122, CH 246 (1990)
 Termination of parental rights, notice of appeal or notice for discretionary
 review, requirements: SSB 6814
 Termination of parental rights, proceedings: SB 6814

JUVENILE DISPOSITION STANDARDS, COMMISSION ON

Daniel A. DiGuilio, reappointed member, GA 9261 p. 1801
 Bill Pine, member, GA 9262 p. 1801
 Marilee Roloff, member, GA 9263 p. 1801
 James Roper, reappointed member, GA 9264 p. 1801
 John Turner, member, GA 9265 p. 1802

JUVENILE JUSTICE ACT

Repeal: SB 6628

JUVENILE OFFENDERS

Defacing property, suspension of driver's license for: *SSB 6221, CH 101 (1990)
 Disabilities land trust, lands and facilities used for juvenile offenders to be inven-
 toried and added to trust: SSB 5516
 Governor's community protection act: SSB 6259, *2SSB 6259, CH 3 (1990)
 Governor's community protection act, "sexual motivation," definition amended:
 *SB 6906, CH 12 E1 (1990)
 Governor's community protection act, technical amendments: *SB 6906, CH 12 E1
 (1990)
 Juvenile justice act, repeal: SB 6628
 Juvenile justice act review commission created, membership and duties: SB 6767,
 SSB 6767, 2SSB 6767

JUVENILE OFFENDERS—cont.

- Juvenile rehabilitation system study, office of financial management: SB 6832, SSB 6832, *SSB 6832, CH 292 (1990)
- Residential burglary, parenting skills training for parents or guardians of offenders: SB 6841, SSB 6841
- Residential burglary, punishment and supervision options: SB 6841, SSB 6841
- Sex offenders, task force to study treatment methods and programs for, membership and duties: SB 6284
- Sexual offense records, expungement or sealing prohibited: SB 6285

KEACH, KENNETH

- Member, small business export financial assistance center board of directors introduced p. 63

KEE, CHARLES D.

- Trustee, Edmonds community college district no. 23, GA 9243 p. 227

KELLY, KAREN A.

- Member, eastern state hospital advisory board, GA 9245 p. 564

KELLY, KEVIN

- Member, eastern state hospital advisory board, GA 9246 p. 564

KELLY, MARCUS M.

- Member, sentencing guidelines commission, GA 9173, confirmed pp. 18,309,633

KELLY-WATKINS, KRIS

- Member, small business export financial assistance center board of directors, GA 9260 p. 1602

KETTLE RIVER

- Management program, Ferry and Stevens counties to adopt, assistance from parks and recreation commission: *SB 6839, CH 277 (1990)

KILMER, MARIETTA

- Reappointed trustee, peninsula community college district no. 1, GA 9174, confirmed pp. 21,226,525

KIM, HEUNG SOO

- Consul general of Korea introduced p. 252

KIMURA, ALMA MISAKO

- Reappointed member, public disclosure commission, GA 9180 pp. 28,1436

KING COUNTY

- District court, electoral districts, establishment: SHB 2709
- District court, judges, determination of number of judges in electoral districts: SHB 2709
- Superior court judges, eighteen additional: SB 6513
- Superior court judges, five additional: SSB 6513

KITSAP COUNTY

- Superior court judges, two additional: SHB 2315, *SB 6562, CH 186 (1990)

KLEIN, IRA S.

- Member, western state hospital advisory board, GA 9221 pp. 27,378

KOKJER, DONALD E.

- Reappointed member, marine employee's commission, GA 9038, confirmed pp. 134,292

KREIDLER, SENATOR MIKE

Appointed environment and natural resources, and health
and long-term care committees pp. 11,12

KRILOFF, BEATRICE J.

Member, child support schedule commission, GA 9175 p. 23

LABOR

Industrial insurance labor-management cooperation program: SB 6383, SSB 6383
Locked out workers, eligibility for unemployment compensation: HB 2432, SB
6607, SB 6848

LABOR AND INDUSTRIES, DEPARTMENT OF

Apprenticeship programs, to assist in establishment of: SB 6411
Attorney's fees, application procedure for services in proceedings before
department or board of industrial insurance appeals: HB 2273, *SB 6514, CH
15 (1990)

Backflow prevention assembly and crossflow connection installers, certification
requirements: SSB 6691

Civil and criminal penalties for violations of industrial welfare laws: HB 2510, SB
6566

Civil penalties for wage claim and minimum wage law violations, authority to
impose: HB 2788, SB 6590, SB 6692

Construction liens, department to provide informational material regarding: HB
2502, *SB 6470, CH 81 (1990)

Crime victim programs, assumption of departmental responsibilities by office of
crime victim services: SB 6207

Eight hour work day and forty hour work week limit, administration: SB 6784

Fire protection systems, testing and maintenance, rulemaking authority: SB 6690

Irrigation systems installer defined: SSB 6691

Manufactured housing, regulatory duties, transfer to department of community
development: *SHB 2861, CH 176 (1990)

Minimum wage law violations, imposition of civil penalties authorized: SB 6382

Navigable waters, health and safety standards for commercial workers on or
within, to adopt: SHB 2452

Pesticide recordkeeping form adoption: SB 6246, SSB 6246

Plumbing, defined for purposes of plumber certification: SB 6691, SSB 6691

Prevailing wage, fee assessment: SHB 2578, SB 6468

Prevailing wage improvements, to report to legislature on: SB 5822, SSB 5822

Violations of industrial welfare laws, civil and criminal penalties: HB 2510, SB
6566

Wage claim and minimum wage laws, civil penalty assessment for violations,
authority: HB 2788, SB 6590, SB 6692

Workers' compensation responsibilities transferred from insurance commissioner:
HB 1791

LABOR RELATIONS CONSULTANTS

Registration requirements: HB 2689

Reporting and disclosure requirements: HB 2689

LAKEFAIR 1989/90 QUEEN

Queen Inge Marie Schenck introduced and
welcomed senators to Olympia p. 64

LAMB, ISABELLE

Member, small business export financial assistance center
board of directors introduced p. 63

LAND DEVELOPMENT

Impact fees: SB 6860

LAND DEVELOPMENT—cont.

- Impact fees, cities and counties authorized to assess on new residential and commercial development, conditions: SB 6895
- Public facilities, cities and towns may impose costs on development activities: SB 6429
- School benefit programs: SB 6656
- School impact fees, authority of schools and local governments to impose: SB 6656
- Vesting of rights doctrine altered, conditions necessary for rights to vest: SHB 2929

LAND DEVELOPMENT REGISTRATION

- Applications, to include provisions for power, gas, and telecommunications services: SB 6257
- Applications, to include provisions for power, gas, telecommunications, and water services: SSB 6257

LAND USE PLANNING

- City, county, and port district planning responsibilities: SB 6860
- Comprehensive growth planning, provisions: *SHB 2929, CH 17 E1 (1990)
- Comprehensive land use plans: *SHB 2929, CH 17 E1 (1990), SB 6425
- Comprehensive planning requirements, Puget Sound regional authority established: SB 6889
- Comprehensive plans, requirements, approval and modification of: SB 6860
- Comprehensive state-wide planning by state and local governments: SB 6860
- Coordination of state and local government planning: *SHB 2929, CH 17 E1 (1990), SB 6425
- Land planning commission, creation in office of governor, membership and duties: SB 6860
- Natural heritage lands, designation and management as: SB 6860
- Puget Sound regional growth authority established, organization and duties: SB 6889
- Puget Sound regional growth plan: SB 6889
- Puget Sound regional land use board of review: SB 6889
- State land use planning goals, declaration of: SB 6860
- State-wide planning guidelines: *SHB 2929, CH 17 E1 (1990), SB 6425
- Subdivision regulation, applications for final plat approval: SSB 5435
- Subdivision regulations, approval, disapproval, or modification of proposed final plat, procedure: SSB 5435
- Timber, agriculture, and water conservation, use requirements: SHB 2929
- Transportation corridors, planning requirements, conversion to major transportation system: SB 6891
- Urban growth boundaries: SHB 2929, SB 6425

LANDLORD AND TENANT

- Dead bolt locks required for rented and leased residences: SB 6373
- Displaced tenants, relocation assistance: SB 6364
- Mobile home lot rentals, landlord must offer five year term at least: SB 6343
- Mobile home park rental agreements, to identify parties with secured interests in mobile home and forwarding address of tenant: *HB 2272, CH 169 (1990), SB 6739
- Mobile home parks, landlord's duty to remedy defective conditions: SB 6702
- Mobile home parks, landlords' lien for rent: *HB 2272, CH 169 (1990), SB 6739
- Mobile home parks, liability of secured parties to landlord for rent and expenses upon default of tenant: *HB 2272, CH 169 (1990), SB 6739
- Mobile home parks, tenants' remedies for defective conditions: SB 6702
- Mobile home parks, utility services, landlord may not intentionally cause termination of tenant's utility services: SB 6702
- Relocation assistance for displaced tenants: SB 6364
- Residential tenant relocation assistance act: SB 6364

LANDLORD AND TENANT—cont.

Unlawful detainer actions, notice requirements: HB 2997

Utility service charges to be made to tenant receiving services: SB 6258

Utility service, landlord may collect separate deposit for, return of deposit requirements: SSB 6258

Utility service not to be refused tenant because of nonpayment by previous tenant: SB 6258, SSB 6258

LANDSCAPING

Water-efficient landscaping ordinances, authority for cities and counties to enact: SB 6509

LAW ENFORCEMENT

Child abuse, joint investigations with child protective services, pilot project: *2SSB 6259, CH 3 (1990)

Child, take child into custody, circumstances warranting: SB 6563

Commercial driver's license, exemption for law enforcement officers: *SB 6464, CH 56 (1990)

Contaminated properties, clean-up or elimination of: *SHB 2906, CH 213 (1990)

Crime stoppers assistance office, creation and duties, financial assistance to local programs: SB 6215, SSB 6215

Custody, taking child into, circumstances warranting: SB 6563

Disability leave, small cities and counties, duty to provide: SB 6718

Gambling tax, allocation of revenue to law enforcement personnel: SB 6491

Gambling tax revenue, authorization to use for local law enforcement expenses: SB 6763

Law enforcement medal of honor established: SB 5072, SB 6677

Medal of honor: SB 5072

Metal detector operators, training requirements: SB 6431

National guard resources, inventory of resources of assistance to law enforcement agencies in drug enforcement authorized: SB 6203

Officers, transfer to city or county classified civil service positions: SB 5587, SSB 5587

Sobriety checkpoints: SB 6710

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

Benefits, payment to spouse or ex-spouse under court decree: SB 6445, SSB 6445

Contribution rate: SHB 2925, SB 6600, *SSB 6600, CH 18 (1990)

Court decreed payment of benefits to spouse or ex-spouse: SB 6445, SSB 6445

Death benefits, death in line of duty, calculation: SB 6675

Death in the line of duty, calculation of death benefits: SB 6675

Health care benefits for spouse and children of disabled or deceased member: SB 6551

Plan II benefits, portability provisions: SB 6719

Portability of plan II benefits: SB 6719

Public employment without loss of benefits, conditions: *SHB 2644, CH 274 (1990)

Retirement age, normal and early retirement, apportionment of increase in contribution rate: SB 6716

Spouse and children of disabled or deceased member, health benefits: SB 6551

Spouse or ex-spouse, payment of benefits under court decree: SB 6445, SSB 6445

Survivorship options: *SHB 2643, CH 249 (1990), SB 6592

System option for law enforcement officers and fire fighters who are members of the public employees' retirement system: SB 6591

LAWSON, EUGENE

Vice chairman, U.S. export/import bank addressed senate p. 63

LEASES

Municipal, allocation of indebtedness incurred by leases which finance acquisition of property: *SHB 2476, CH 205 (1990)

LEE, SENATOR ELEANOR

Appointed member economic development and labor, chair; education, vice chair; and ways and means committee pp. 11,12

LEGISLATIVE BUDGET COMMITTEE

Master licensing program, performance audit of: *SSB 6664, CH 264 (1990)
Public assistance grant standards, to contract with independent research organization to establish: 2SHB 2910
Sunset review, procedural modification: *SHB 2327, CH 297 (1990), SB 6265
Sunset review, transfer of duties of select joint committee to legislative budget committee: SB 6277

LEGISLATURE

Adjournment sine die, 1990 first special session: *HCR 4447 E1 (1990)
Adjournment sine die, 1990 regular session of the Fifty-First Legislature: *HCR 4441 (1990)
Adjournment sine die, 1990 second special session: *HCR 4448, E2 (1990)
Air quality, joint select committee on, membership and duties: SHB 2277
American Legislative Exchange Council, invitation to hold 1991 meeting in Seattle: *HJM 4037 (1990)
Bills, joint sponsorship of bills that have passed opposite house: SCR 8430
Broadcasting of legislative activities, creation of task force on: SCR 8438
Campaign financing, joint select committee established, organization and duties: HCR 4418
City and county finances, task force on, membership and duties: *SB 6913, CH 1 E2 (1990)
Consumer petroleum pricing, creating joint select committee on the economic impact of: SCR 8432
Cut-off date exemption for Senate Bill 6799 and House Bill 2964: *HCR 4438 (1990)
Cut-off date extended for specified bills: *HCR 4437 (1990)
Cutoff dates for consideration of legislation during 1990 regular session: *HCR 4428 (1990)
Disabilities trust lands, request for legislative proposal regarding management of: *SCR 8444 E1 (1990)
Engrossed Substitute Senate Bill 6412, consideration in 1990 first special session: *SCR 8448 E1 (1990)
Financial institutions and securities, consolidation of regulatory functions, joint select committee to study: SSB 6371
Governor notified that legislature is organized and ready to conduct business: *SCR 8428 (1990)
Grant county wayport and high-speed transportation development study: *SCR 8437 (1990)
Gubernatorial appoints requiring senate confirmation, appoints requiring, additions and deletions: SB 5768
Health care insurance costs, commission on, to review factors influencing costs: SSB 6834, 2SSB 6834
House Bill 3035 and Senate Bill 6906, consideration in special session: *HCR 4445 E1 (1990)
House Bill 3036, consideration in special session: HCR 4446
Interpersonal violence, joint select committee on: SCR 8433, SSCR 8433
Leadership conference called for Pacific Northwest states and provinces to discuss cooperative efforts in the fall of 1990: *SCR 8440 (1990)
Legislative districts, number set at forty-nine with one senator and two representatives to be elected from each: *HB 1890, CH 126 (1990)

LEGISLATURE—cont.

- *Legislative Old Timers" reunion, establishment as formal and official program: *HCR 4432 (1990)
- Local government self-insurance pools, joint select committee to study: *SHB 2933, CH 26 (1990)
- Low-income home energy assistance, joint select committee on: *HB 2667, CH 1 E1 (1990), SB 6680
- Low-income residential utility service policies and programs, joint select committee on, creation and duties: SB 6847
- Measures for consideration in the 1990 first special session of the Fifty-First Legislature: *HCR 4442 (1990)
- Poverty issues, interim study on: *SCR 8446 E1 (1990)
- Redistricting plans: HB 1890
- Reintroduction of bills, resolutions, and memorials introduced during the 1989 regular and special sessions: *HCR 4427 (1990)
- Senate Bill 6114, consideration during special session: SCR 8448
- Senate Bill 6344, consideration in 1990 first special session: *HCR 4446 E1 (1990)
- Senate Bill 6906 and House Bill 3035, consideration in special session: *HCR 4445 E1 (1990)
- Senate Bill 6910, consideration during special session: SCR 8449
- Senate Bills 6910, 6909, 6091, 6114, Substitute House Bill 2230, and House Joint Resolution 4227, consideration in 1990 first special session: *SCR 8449 E1 (1990)
- Senate confirmation of gubernatorial appoints, appointments requiring, additions and deletions: SB 5768
- State of the state message, joint session to receive message from governor: *HCR 4426 (1990)
- Sunset review, transfer of duties of select joint committee to legislative budget committee: SB 6277
- Timber harvesting and processing developments, report to legislature on state response to: SB 6728
- Transmittal of bills, resolutions, and memorials upon adjournment of the 1990 regular session: SCR 8443
- Transmittal of bills, resolutions, and memorials upon adjournment sine die of the 1990 regular session: *SCR 8442 (1990)
- Twelve year limit on term in one house and twenty-four year limit on service in both houses: SB 6837, SSB 6837

LEMON LAW

- Motorcycles, new motorcycles covered: *SHB 2430, CH 239 (1990), SB 6235, SB 6308

LEVIN, ROBERT A.

- Member, small business export financial assistance center board of directors. GA 9233 p. 46

LIBRARIES

- Learn-in-libraries program, grants for after school programs for children: SB 6764, *SSB 6764, CH 290 (1990)

LIBRARY DISTRICTS

- Property tax levy rates: SB 6455

LICENSE PLATES

- Cancellation of license plates and registration on conviction for drug crime: SB 6596
- Collector vehicles over thirty years old, special license plates authorized: SB 6400
- College mascot license plate programs for state colleges and universities: SSB 5420
- Horseless carriage plates for vehicles over forty years old: SB 6400
- Pearl Harbor survivors, special plate may be issued to surviving spouse: SB 5284

LICENSE PLATES—cont.

- Prisoner of war spouses, surrender of special plate on remarriage: SB 6251
- Restored vehicles, may carry license plate from year of manufacture: SB 6400
- Special license plates and emblems, department of licensing authority to issue: SHB 2783, SB 6663, *SSB 6663, CH 250 (1990)
- Special license plates, groups eligible for, procedure to obtain: SSB 5420
- Transfer from destroyed vehicle to replacement vehicle: SB 6296, SSB 6296
- Veterans, remembrance tabs authorized: SB 6178

LICENSING, DEPARTMENT OF

- Agricultural liens, central filing system: SB 6565
- Business license center, collection of fee charged corporation for filing of annual report authorized: SSB 6664
- Business license center, handling fee for issuance or renewal of master license: SB 6664, *SSB 6664, CH 264 (1990)
- Central filing system operators, crop security interests, licensing duties: SSB 6501
- Crops, security interests, central filing system, duties: SSB 6501
- Drivers' licenses, suspension or revocation for driving under influence of alcohol, expedited procedure: SB 6359
- Driving examination, waiver for drivers surrendering valid out-of-state license: *SB 6558, CH 9 (1990)
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses, duties and rulemaking authority: SB 6174, SSB 6174
- Drug crimes, cancellation of license plates and registration, revocation of driver's license: SB 6596
- Exchange student placement agencies regulation, duties: 2SHB 2624.
- Geology, evaluation as to whether and to what extent practice of geology should be regulated: SHB 1597
- Geology, evaluation of extent to which practice of geology should be regulated, recommendation and implementation proposal: *SHB 1597, CH 223 (1990)
- License plates and emblems, authority to issue special plates and emblems: SHB 2783, SB 6663, *SSB 6663, CH 250 (1990)
- Manufactured housing, regulatory duties, transfer to department of community development: *SHB 2861, CH 176 (1990)
- Marketer liens: SB 6706
- Master licensing program, performance audit by legislative budget committee: *SSB 6664, CH 264 (1990)
- Motor vehicle emission testing, sixty day notice that testing is required: SB 6541
- Motor vehicles, technical amendments, gender references, obsolete statutory references, terminology changes, and ambiguous language: *SSB 6663, CH 250 (1990)
- Parking violation enforcement by department: *SB 6913, CH 1 E2 (1990)
- Parking violations, two or more unpaid, report by local jurisdiction to department: SHB 2833

LIENS

- Agricultural liens, central filing system: SB 6565
- Construction liens, department of labor and industries to provide informational material regarding: HB 2502, *SB 6470, CH 81 (1990)
- Construction liens, revised act: SB 6238, SSB 6238
- Marketer lien created: SB 6706
- Real property, perfection of security interest by recording, effective even if recorded prior to July 23, 1989: SB 6754

LIEUTENANT GOVERNOR (see also PRITCHARD, JOEL; also PRESIDENT OF THE SENATE

- Presiding officer, joint sessions pp. 50,190
- Presented medal of merit award to James Ellis p. 191
- Voted "aye" on committee amendment to ESHB 1825 p. 1307

LIEUTENANT GOVERNOR—cont.

Voting member, rules committee p. 2103

LIMITATIONS OF ACTIONS

Invalid laws, applicable statute of limitations runs from date of highest court decision declaring law invalid: SB 6749

Invalidation of law on statutory or constitutional grounds or damages or refunds based on enforcement of law, action not to be barred: SB 6749

LIQUOR CONTROL BOARD

Cigarettes and tobacco laws, enforcement powers and duties transferred to board: SB 6667, SSB 6667

LITERACY

Adult literacy council created: SB 5240

Basic literacy skills training: SB 6496

Investment in human capital, advisory council, membership and duties: SB 6496

Operation SPLICE, voluntary workplace literacy program: SB 5764

Reducing illiteracy, council on investment in human capital to submit state plan for: SSB 6411

LITTERING

Adopt-a-highway litter control program: HB 2514, *SSB 6649, CH 258 (1990)

Cleanup, department of corrections to assist local government in establishing community service programs for offenders: *SHB 2513, CH 66 (1990)

Hunting and fishing, fines and license revocation for littering while engaged in: SSB 6724

Hunting and fishing licenses, revocation for: SB 6724

Minimum fine raised to one thousand dollars: SB 6369

LITTLE, JOHN

Member, human rights commission, GA 9176 pp. 14,1436

LIVESTOCK

Markets, licensing requirements: SB 6708

LOANS

Construction loans, management of and liability for proceeds: SB 6655

LOBBYISTS

Reporting requirements, lobbyists and employers of lobbyists: *HB 2655, CH 139 (1990)

LOCAL GOVERNMENT

Alteration of local governments through citizen review, procedures: HB 1175

Citizens' review of local government and development of proposals to alter governments: HB 1175

Elections, technical amendments to election laws: *SHB 2935, CH 259 (1990)

Employees, political committees, authorization for payroll deductions for contributions to: SSB 5698

Litter and illegal dumping, community service assistance in cleanup: *SHB 2513, CH 66 (1990)

Property tax levies, imposition and approval of: HB 2777

Reimbursement for costs resulting from state enactments, clarification as to what constitutes reimbursement: *SB 6913, CH 1 E2 (1990)

Review and modification: SHJR 4204

Self-insurance pools, joint select committee to study: *SHB 2933, CH 26 (1990)

Service agreements among governments, procedure for implementation: 2SHB 1174

Small work roster, uniform process to award contracts: SHB 2992

Waste reduction, recycling, and procurement plan: SHB 2570

LOCAL IMPROVEMENT DISTRICTS

- Assessments not be raised solely for addition of omitted property: SSB 5131
 Health boards may not require membership as condition for on-site sewer permits: SSB 5135
 Irrigation districts, authority to form consolidated local improvement districts: HB 2444
 Notices to contain legal description of property affected: SSB 5132
 Omitted property, assessments not to be raised solely for addition of: SSB 5131
 Property affected, notices to contain legal description of: SSB 5132

LONG-TERM CARE

- Adult services, chore services, medical assistance, and institutionalized spouses: SSB 5682, 2SSB 5682
 Joint select commission established: SCR 8409, SSCR 8409

LOW FAT AND CHOLESTEROL AWARENESS PROGRAM

- Provisions: SSB 5021

LOWER COLUMBIA COMMUNITY COLLEGE DISTRICT NO. 13

- Bruce L. Cardwell, trustee, GA 9124, confirmed pp. 574,664
 Asa T. Reed, reappointed trustee, GA 9186, confirmed pp. 22,135,557

LUCAS, PAM

- Member, eastern state hospital advisory board, GA 9247 p. 564

LYNCH, GRACE

- Reappointed trustee, Wenatchee valley community college district no. 15, GA 9177, confirmed pp. 20,66,251

LYONS, ARLAND

- Reappointed trustee, Centralia community college district no. 12, GA 9178, confirmed pp. 20,226,915

MADSEN, SENATOR KEN

- Appointed agriculture, law and justice, and transportation committees pp. 11,12

MAGNUSON, WARREN G.

- Institute for biomedical research and health professions training: *2SHB 2443, CH 282 (1990), SB 6800

MAILBOXES

- Rural, damage or destruction of, malicious mischief in the second degree: SB 6321

MALPRACTICE

- Certificate of merit, filing by claimant's attorney required in professional negligence cases: SB 6148, SSB 6148
 Student nurses, subject to uniform disciplinary act when practicing nursing incidental to their course of study: SB 6212

MANUFACTURED HOUSING

- Regulatory duties, transfer to department of community development: *SHB 2861, CH 176 (1990)

MANUFACTURING

- Industrial competitiveness program, assistance to small manufacturers: SB 6325, SSB 6325

MARCI, JOSEPH A.

- Member, board of pilotage commission p. 1554

MARINE EMPLOYEES' COMMISSION

- Dan E. Boyd, member, GA 9146, confirmed pp. 13,135,318
 Donald E. Kokjer, reappointed member,
 GA 9038, confirmed pp. 134,292

MARINE FISH ENHANCEMENT RESEARCH PROGRAM

Created: SHB 1037

MARITIME COMMISSION

- Created, organization, powers, and duties: SB 6701, *SSB 6701, CH 117 (1990)
 Oil spill first response system, duties: SB 6701, *SSB 6701, CH 117 (1990)

MARKETING

Washington marketplace program, revisions: SB 6642, *SSB 6642, CH 57 (1990)

MARRIAGE

- First cousin marriage, when permitted: SB 6300
 License applicants, application to contain social security numbers of: SB 6586

MARRIED PERSONS

- At-home spouses of nursing home residents, maximum needs allowance raised:
 SB 6349
 Domestic trusts, amendment to qualify gift to noncitizen surviving spouse for federal estate tax marital deduction: SB 6390, *SSB 6390, CH 179 (1990)
 Immigrants, determination of marital status by immigration and naturalization service presumed valid: *SHB 1565, CH 175 (1990)
 Institutionalized spouse, division of income and resources for determining medical assistance eligibility: SB 5682, SSB 5682, 2SSB 5682
 Marital deduction gifts, amendment of will or trust to qualify gift to noncitizen surviving spouse as: SB 6390, *SSB 6390, CH 179 (1990)
 Surviving spouse, amendment of will or trust to qualify gift to noncitizen for federal estate tax marital deduction: SB 6390, *SSB 6390, CH 179 (1990)
 Transfer of shares between spouses: *SSB 6395, CH 180 (1990)

MARSHALL, GINGER

- Fiancee of Senator Jim West, introduced after proposal
 of marriage on personal privilege p. 322

MASNIK, RONALD

- Consul of Belgium introduced p. 252

MATERNITY CARE

- Maternity care access act, contract for evaluation need not be let to nonprofit organization: SB 6815

MATSON, SENATOR JIM

- Appointed economic development and labor, financial institutions and insurance, rules and ways and means committees pp. 11,12

McCASLIN, SENATOR BOB

- Appointed governmental operations, chair; law and justice, vice chair; subcommittee on corrections, and financial institutions and insurance committees pp. 11,12
 Parliamentary inquiry, issue being debated, 2SSB 6834 p. 542
 Parliamentary inquiry, question of what banging of the gavel means p. 820
 Parliamentary inquiry, question of floor time when debate limited p. 840

McCOMB, LEONARD A.

- Appointed director, office of financial management,
 GA 9208 pp. 24,1471

McDONALD, SENATOR DAN

- Appointed ways and means, chair; and economic development and labor committees pp. 11,12
- Parliamentary inquiry, question before senate, SSB 6407 p. 929
- Point of order, amendment to HB 1307 p. 1082

McMILLAN, PRISCILLA DEE

- Reappointed trustee, Spokane community college district no. 17, GA 9179 p. 21

McMULLEN, SENATOR PATRICK R.

- Appointed economic development and labor, financial institutions and insurance and transportation committees pp. 11,12

MEDAL OF MERIT

- Recipients recognized by joint session of the legislature on January 26, 1990: *HCR 4434 (1990)

MEDICAID

- Nursing homes, cost reimbursement, eligibility for: SB 6465
- Obstetrical emergency care for medicaid patients, physician immunity and indemnification: SB 6020

MEDICAL ASSISTANCE

- At-home spouses of nursing home residents, maximum needs allowance raised: SB 6349
- Hospice benefits extended: *HB 2410, CH 25 (1990)
- Income and resources, division between spouses for determining eligibility of institutionalized spouse: SB 5682, SSB 5682, 2SSB 5682
- Institutionalized spouse, division of income and resources between spouses for determining eligibility: SB 5682, SSB 5682, 2SSB 5682
- Managed health care systems, recipients to be enrolled in: SB 6020

MEDICARE

- Supplemental health insurance, age not to be used as a basis for rating cost to any individual: HB 1505

MEDICINE

- Training and career mobility, study and report to legislature: SB 5744, SSB 5744

MEDINA, JAMES A.

- Appointed director, office of minority and women's business enterprises, GA 9181 p. 14

MENDEL, HANS-JURGEN

- Consul general of Germany introduced p. 252

MENTAL HEALTH

- Community mental health services contractors to adopt policy regarding patients' rights: SB 6049
- Fiscal and program incentives to improve mental health system: SB 5200
- Health department, transfer of responsibility for treatment, services, and institutions to department: SB 6181
- Minority, age for treatment without parental consent raised to sixteen: SB 5973, SSB 5973
- Patients' rights, contractors providing community mental health services to adopt policy: SB 6049
- Regional mental health networks, pilot project for providing adult residential care at Sedro Wooley: SB 5505
- Regional networks, authority for counties with combined population of six hundred thousand to establish: SB 5504
- Regional networks, to provide residential services to adults: SB 5504

MENTAL HEALTH—cont.

- Regional support networks, block grants, dates to receive set: *SB 6344, CH 8 E1 (1990)
- Regional support networks, time limits for counties wishing to be recognized as extended: *SB 6344, CH 8 E1 (1990)
- Treatment, services, and institutions, transfer of responsibility to department of health: SB 6181

MENTALLY ILL PERSONS

- Antipsychotic medication, involuntary administration: SB 5200
- Disabilities land trust created to maximize use of funds from use of lands acquired to provide institutional services: SSB 5516, 2SSB 5516
- Firearms, sales to dangerous, mentally ill persons prohibited: SB 6346
- Sexually dangerous persons, commitment and release of mentally disordered sexually dangerous persons: SB 6208

MENTALLY RETARDED PERSONS

- Death penalty, not to be subject to: SB 6489

METAL DETECTORS

- Operator training requirements: SB 6431

METCALF, SENATOR JACK

- Appointed environment and natural resources, chair:
education, and energy and utilities committees pp. 11,12
- Point of order, house amendments to ESB 6797 p. 1423

METROPOLITAN MUNICIPAL CORPORATIONS

- Home rule counties may assume duties of corporation: SHB 2030

METROPOLITAN MUNICIPAL COUNCILS

- Members, number, selection procedures, and organization: SHB 2030
- Organization and operation: SHB 2030
- Temporary review boards, organization and duties: SHB 2030

METROPOLITAN PARK DISTRICTS

- Property tax, increased levy authority may be exercised for the duration of the authorization: *HB 1307, CH 283 (1990)

MIDWIVES

- Rural physician and midwife scholarship program: SHB 2566, SB 6418, SSB 6418, 2SSB 6418
- Rural physician, pharmacist, and midwife scholarship program: *2SSB 6418, CH 271 (1990)

MILITARY

- Defense dependent industries and communities, community economic diversification program: *SHB 2706, CH 278 (1990)
- Defense-dependent industries and communities, economic diversification program: SHB 2706
- Economic diversification, advisory committee on, membership and duties: SHB 2706
- Medical treatment for handicapped children of military parents, requesting that Congress require CHAMPUS to pay expenses: SJM 8022
- Military expenditures and their impact on Washington's economy, task force on: SCR 8431
- Missing in action/prisoner of war Americans, requesting Congress to authorize disclosures: *SJM 8020 (1990)
- Veterans exposed to toxic chemicals, expression of support to Congress and the President for: SJM 8021

MILITARY, DEPARTMENT OF

Gregory P. Barlow, appointed adjutant general,
GA 9145, confirmed pp. 16,66,129

MINIMUM WAGE

Civil penalties for violations authorized: HB 2788, SB 6590, SB 6692
Jurors to be compensated at rate at least equal to state minimum wage: SB 6879
Students employed by institution of higher education, minimum wage exemption
repealed: *HB 2253, CH 149 (1990)
Violations, imposition of civil penalties authorized: SB 6382

MINORITY AND WOMEN'S BUSINESS ENTERPRISES

James A. Medina, appointed director, GA 9181 p. 14

MINORITY JUSTICE COMMISSION

Membership and duties: SHB 3006

MOBILE HOME PARKS

Closure, notice and compensation process to allow tenants to relocate: SB 5559,
SSB 5559
Conditional use permits, rental agreements to contain notice of any applicable
permits: *HB 2445, CH 174 (1990)
Covenant not to convert space to other use or alternative statement to appear in
rental agreement: SB 5244
Landlord's duty to remedy defective conditions: SB 6702
Landlords, liability of secured parties to landlord for rent and expenses upon
default of tenant: *HB 2272, CH 169 (1990), SB 6739
Landlords, liens for rent: *HB 2272, CH 169 (1990), SB 6739
Landlord-tenant act, portions apply only to mobile homes in parks, others to any
lot: SHB 1797
Lot rentals, landlord must offer five year term at least: SB 6343
Low-income housing, property devoted to, to be taxed at current use value: SSB
5550, 2SSB 5550, *3SSB 5550, CH 168 (1990)
Low-income persons, property tax deferral for parks serving: SB 5365, SSB 5365
Property tax deferral for parks serving low-income persons: SB 5365, SSB 5365
Public officials or candidates, forums or speeches may not be prohibited by
landlord: SHB 2339
Public officials or candidates, meeting with tenants or distribution of materials at
individual mobile homes may not be prohibited: SHB 2339
Relocation assistance for displaced low-income tenants, fees: *SHB 2907, CH 171
(1990)
Relocation assistance for displaced low-income tenants, revised provisions: *SHB
2907, CH 171 (1990)
Relocation fund assessments, compilation of list of persons subject to assessment
by county assessor, alternate method: SB 6209
Rental agreements, covenant not to convert space to other use or alternative
statement: SB 5244
Rental agreements, to contain notice of any conditional use permit applicable to
park: *HB 2445, CH 174 (1990)
Rental agreements, to identify parties with secured interests in mobile home and
forwarding address of tenant: *HB 2272, CH 169 (1990), SB 6739
Sale of parks, opportunity for owner to purchase homes in the park, negotiations
and agreements: SB 5558, SB 6694, SSB 6694
Sale of parks, opportunity for tenant organizations to purchase, negotiations and
agreements: SB 5558, SB 6694, SSB 6694
Secured parties, liability to landlord for rent and expenses upon default of ten-
ant: *HB 2272, CH 169 (1990), SB 6739
Tenant meetings, forums or speeches by public officials or candidates may not
be prohibited: SHB 2339

MOBILE HOME PARKS—cont.

Tenants, remedies for defective conditions: SB 6702

Utility services, landlord may not intentionally cause termination of tenant's utility services: SB 6702

Valuation of property devoted to low-income housing at current use value for taxing purposes: SSB 5550, 2SSB 5550, *3SSB 5550, CH 168 (1990)

MOBILE HOMES

Landlord-tenant act, portions apply to any lot used to locate a mobile home, others only in parks: SHB 1797

Lot rentals, landlord must offer five year term at least: SB 6343

MOMENT OF SILENCE

In memory of Representative Glyn Chandler p. 931

MONTEREY, KERRY

Consul of Chile introduced p. 252

MOORE, SENATOR RAY

Appointed financial institutions and insurance,
and ways and means committees pp. 11,12

Motion for reconsideration of amendments to ESHB 2482 p. 828

MORTGAGES

Insurance, disclosure of right to cancel, if any: HB 2606

Satisfaction, failure to acknowledge, penalties: SB 6865

MOSES, EDWIN

American athlete and participant in goodwill games,

introduced and addressed senate p. 160

MOSES LAKE

Airport, to be made into northwest regional international airport: SB 6442

Grant county wayport and high-speed transportation development study: *SCR 8437 (1990)

Port of, assistance to become international port of entry: SB 6442

Rapid transit rail system between Seattle and: SB 6442

MOSQUITO CONTROL

District board may make ordinance making land owners responsible for control, enforcement powers: *SB 6292, CH 300 (1990)

Owners of mosquito infested land responsible for their control: *SB 6292, CH 300 (1990)

MOTOR FREIGHT CARRIERS

Brokers and forwarders, surety bond requirements: SB 6869

Freight brokers and forwarders, registration, compliance delayed to after June 30, 1991: *HB 2989, CH 109 (1990)

Recovered materials, regulation by utilities and transportation commission: *SSB 6700, CH 123 (1990)

Recyclables, carriers of, exemption from regulation by utilities and transportation commission: HB 2571, SB 6700

MOTOR FUEL RETAILERS

Alcoholic beverages, store prohibited from selling both alcohol and motor fuel: SB 6543

MOTOR VEHICLE WRECKERS

Regulation of, amended provisions: SSB 6347

Regulation of, technical amendments: SB 6347

MOTOR VEHICLES

Abandoned junk vehicles, disposal procedures: SB 6746

Abandoned vehicles, impoundment authorized within eight hours: HB 2387

MOTOR VEHICLES—cont.

- Alcohol and drug related accidents, prevention programs: SB 6710
- Attentive driving required: SB 6679
- Automobile insurance corporation, public nonprofit corporation created: SB 6758
- Automobile rental, collision damage waivers, disclosure requirements: SSB 5148, 2SSB 5148
- Automobile rental, liability limited: SSB 5148, 2SSB 5148
- Boat trailer and travel trailer, permission to tow both at same time: SB 6508
- Brokering and subleasing, unlawful practices, penalties: SB 6167
- Brokers, transfer of vehicles without transfer of title prohibited: SB 6169
- Controlled substances, forfeiture of vehicles used in illegal transfers of: *HB 2542, CH 248 (1990), SB 6633
- County auditor subagents, license and permit fees to be collected, rate adjusted: 2SSB 5568
- County auditors and subagents, license and permits fees to be collected adjusted: SB 5568, SSB 5568
- Damages, measure of damages established for damage to or destruction of a vehicle: SHB 1475
- Dealers, documentary service fees, amount that may be charged: SHB 2940
- Dealers, payment of temporary permit fee to, considered payment to state: *HB 2386, CH 198 (1990)
- Diesel-powered, department of ecology to study and report on effects of emissions from: HB 1950
- Driving privileges, revocation for alcohol or drug offenses: HB 2425
- Driving while intoxicated, community service options: SB 6793
- Driving while intoxicated, punitive damages for injury or wrongful death: SHB 2459
- Drug and alcohol related accidents, prevention programs: SB 6710
- Emergency vehicle equipment, sale by public agencies of equipment that may not be lawfully used prohibited: *HB 2461, CH 94 (1990)
- Emission testing, sixty day notice that testing is required: SB 6541
- Escort drivers to accompany oversize loads, certification required: SHB 1257
- Excise tax, rates, collection, and distribution: SB 6358, *SSB 6358, CH 42 (1990)
- Failure to stop or comply, traffic accidents, penalty: SB 6521
- Food products, prevention of contamination during transport: *SB 6164, CH 202 (1990)
- Forfeiture of vehicles used in illegal transfers of controlled substances: *HB 2542, CH 248 (1990), SB 6633
- Fuel quality testing and enforcement program established: *SHB 1450, CH 102 (1990)
- Gross weight fee revisions: SB 6358, *SSB 6358, CH 42 (1990)
- Inattentive driving: SB 6679
- Insurance, denial cannot be based on applicant's credit report: SB 6466
- Insurance, minimum coverage requirements: SB 6883
- Insurance, no-fault, required and optional coverage, claims procedure: SB 6877
- Insurance, personal injury protection coverage, requirements and exceptions: SB 6882
- Insurance, refusal to insure, no previous or high risk policy, insufficient reason: SB 6883
- Junk vehicles, disposal of abandoned vehicles, procedures: SB 6746
- Length requirements modified to accord with federal law: *SB 5593, CH 28 (1990)
- License fees, local option charge authorized: SB 6358, *SSB 6358, CH 42 (1990)
- License plates, transfer from destroyed vehicle to replacement vehicle: SB 6296, SSB 6296
- Licenses and permits, fees collected by county auditor subagents adjusted: 2SSB 5568

MOTOR VEHICLES—cont.

- Licenses and permits, fees collected by county auditors and subagents adjusted: SB 5568, SSB 5568
- Licensing, technical corrections to licensing laws: SHB 1465
- Milk pumping, exemption from special fuel tax: *SB 6816, CH 185 (1990)
- Model traffic ordinance, update provisions: SB 6360
- Motor fuel quality act: *SHB 1450, CH 102 (1990)
- Odometer disclosure requirements: SB 6560, *SSB 6560, CH 238 (1990)
- Oversize loads, escort drivers to accompany, certification of escort drivers required: SHB 1257
- Reckless driving, penalties increased: *2SSB 5882, CH 291 (1990)
- Records, access restricted: SSB 5070
- Registration and license plates, cancellation on conviction for drug crime: SB 6596
- Registration fees, local option surcharge authorized: *SSB 6358, CH 42 (1990)
- Registration records, person may request that residence address remain confidential: SB 6519
- Registration records, restrictions on release of: SHB 2463
- Rental automobiles, collision damage waivers, disclosure requirements: SSB 5148, 2SSB 5148
- Rental car, liability limited: SSB 5148, 2SSB 5148
- Right of way, driver crossing highway from private road must yield to vehicles lawfully approaching on highway: SB 6324
- School and private carrier buses, stopping for buses discharging or receiving passengers, when required: HB 2355, SB 6220, *SB 6303, CH 241 (1990)
- Service contracts, required disclosures and conditions: *SHB 2430, CH 239 (1990), SHB 2955
- Spare tires, use of temporary-use nonpneumatic tires authorized: SB 6348, *SSB 6348, CH 105 (1990)
- Speed limits, to be the same in both directions: SB 6279
- Subleasing and brokering, unlawful practices, penalties: SB 6167
- Subleasing or transfer of ownership, unlawful practices: SHB 2251
- Subleasing or transfer of ownership, unlawful practices, penalties: *SSB 6167, CH 44 (1990)
- Technical amendments, gender references, obsolete statutory references, terminology changes, and ambiguous language: *SSB 6663, CH 250 (1990)
- Temporary permit fees, payment to dealer considered payment to state: *HB 2386, CH 198 (1990)
- Tinting and coloring of windows, exemptions and penalties revised: HB 2810, *SB 6606, CH 95 (1990)
- Tinting and coloring of windows, film suncreening materials, limits on use: HB 2810, *SB 6606, CH 95 (1990)
- Titles, auto transfer brokers prohibited from transferring vehicles without transferring title: SB 6169
- Towing combinations, permission to tow travel and boat trailer at same time: SB 6508
- Traffic accidents, drivers' duties, penalty for failure to stop or comply: SB 6521
- Traffic control signals, changes to protect pedestrians: *SB 6303, CH 241 (1990)
- Transfer brokers prohibited from transferring vehicles without transferring title: SB 6169
- Transfer of ownership or subleasing, unlawful practices: SHB 2251
- Transfer of ownership or subleasing, unlawful practices, penalties: *SSB 6167, CH 44 (1990)
- Travel trailer and boat trailer, permission to tow both at same time: SB 6508
- Triple combination vehicle permits prohibited: SB 6188
- Warranties, new motorcycles covered under lemon law: *SHB 2430, CH 239 (1990), SB 6235, SB 6308

MOTOR VEHICLES—cont.

Washington automobile insurance corporation, public nonprofit corporation created: SB 6758

MOTORCYCLES

Audio headsets and earphones, use of state patrol approved sets permitted: SB 6801

Helmets, requirements, riders to wear and rental agencies to provide: SB 6190, *SSB 6190, CH 270 (1990)

Lemon law coverage extended to motorcycles: *SHB 2430, CH 239 (1990), SB 6235, SB 6308

Safety education, use of funds in public safety and education account authorized for: HB 1596

Warranties, lemon law coverage extended to new motorcycles: *SHB 2430, CH 239 (1990), SB 6235, SB 6308

MUKTARIAN, ELIZABETH

Member, western state hospital advisory board.

GA 9222 pp. 27,378

MUNICIPAL COURT

Pro tempore judges, appointment of district court judges as, authorized in cities of over 400,000: *HB 2492, CH 182 (1990)

MUNICIPAL RESEARCH COUNCIL

Appointment of members: *HB 2260, CH 104 (1990)

Contracting authority: *HB 2260, CH 104 (1990)

Funding, determination of amount to be appropriated: *HB 2260, CH 104 (1990)

MUNICIPALITIES

Airports, tenant improvements of leased premises, authority to allow: *HB 2855, CH 215 (1990)

Annexation proceedings, exemption from state environmental policy act: SB 6183

Building codes, power to amend limited: SB 5797

Cable television systems, third class cities authorized to operate: SB 6774

City officials, election in optional code cities, terms and procedures: HB 1570

Civil actions by private parties for appointment of receiver to manage private owned real property, when allowed to authorize: SSB 6247

Civil actions by private parties for appointment of receiver to manage privately owned real property may not be authorized by: SB 6247

Councilmembers, authorization to serve as reserve police officers: SB 6786

Criminal justice assistance, distribution from motor vehicle excise tax revenues: SB 6904

Criminal justice plan, filing with department of community development: SB 6904

Criminal justice services, constitutional amendment to allow cities to levy additional tax for: SJR 8240

Criminal justice services, financing assistance: SHB 2833

Criminal justice services, funding assistance: *SB 6913, CH 1 E2 (1990)

Criminal justice services, funding assistance: SB 6909

Development fee authority: SB 6429

Disability leave for law enforcement officers and fire fighters, duty to provide: SB 6718

Edgestriping, to place visible stripe at edge of certain paved roads: SSB 5491

Election of city officials, optional code cities, terms and procedures: HB 1570

Electric utilities, service beyond city limits, consultation with and notice to affected cities or counties: SB 6742, SSB 6742

Electrical utilities, cities and towns to set terms and conditions for placement: SHB 1661

Finances, task force on city and county finances, membership and duties: *SB 6913, CH 1 E2 (1990)

MUNICIPALITIES—cont.

- Fire protection, property tax levy rates: SB 6455
- Fire protection service levies, limitation on, constitutional amendment: SJR 8230
- Firearms, destruction of forfeited firearms, city may authorize by ordinance: SB 6646
- Flood insurance, national program, local government may elect not to participate, limits on state regulatory authority: SB 6179
- Gambling tax, allocation of revenue to law enforcement personnel: SB 6491
- Gambling tax revenue, authorization to use for local law enforcement expenses: SB 6763
- Growth planning, coordination of state and local government planning: *SHB 2929, CH 17 E1 (1990)
- Impact fees, authority to assess on new residential and commercial development, conditions: SB 6895
- Incorporation, revised procedure: SHB 2409
- Invalidation of local law, revised law must seek to cure legal defect causing invalidation, penalties for failure to make good faith effort: SB 6769
- Land development activities, cities and towns may impose costs of public facilities on: SB 6429
- Land use planning, coordination of state and local government planning: *SHB 2929, CH 17 E1 (1990), SB 6425
- Leases, allocation of indebtedness incurred by leases which finance acquisition of property: *SHB 2476, CH 205 (1990)
- Local criminal justice assistance board, financing and grants-in-aid to cities, duties: SHB 2833
- Lodging tax, authorization to use revenue for capital improvements to parks and recreation systems: SB 6261
- Management services, reimbursement of city or town by municipal utility for: HB 2687
- Misdemeanors, uniform penalties: SB 6751
- Name changes, procedure: SHB 2728, *SB 6370, CH 193 (1990)
- New cities, sales tax equalization: *SB 6913, CH 1 E2 (1990)
- New cities, sales tax equalization: SB 6909
- Nonprofit corporations, local governments authorized to form public corporations to finance facilities for: SHB 2455, SB 6654
- Optional code cities, election of city officials, terms and procedures: HB 1570
- Parks and recreation systems, authorization to use revenue from lodging tax for capital improvements: SB 6261
- Pension plans not administered by state may not be created by third class cities and towns after January 1, 1990: *SHB 3007, CH 212 (1990)
- Pension plans not administered by state, notification of state auditor by town offering, requirements: *SHB 3007, CH 212 (1990)
- Police officers killed or disabled in line of duty, increase in pension for surviving spouses: SB 6878
- Police, transfer of officers to classified civil service positions: SB 5587, SSB 5587
- Premises unfit for human habitation, may not authorize private action to appoint receiver to abate: SB 6247
- Premises unfit for human habitation, when private action to appoint receiver to abate may be authorized: SSB 6247
- Property tax levy rates, fire protection: SB 6455
- Public corporations, local governments authorized to form finance facilities for nonprofit corporations: SHB 2455, SB 6654
- Public corporations, review and decision making authority over: SB 6474, SSB 6474
- Public facilities, cities and towns may impose costs on land development activities: SB 6429

MUNICIPALITIES—cont.

- Public facility tax, Pacific Ocean bordering cities, authority to levy special tax on lodging: SB 6857
- Real estate excise tax, authority to impose additional tax on sales within corporate limits: HB 3036
- Revenue sources and levels: SHB 2833
- Sales tax equalization for new cities: *SB 6913, CH 1 E2 (1990)
- Sales tax equalization for new cities: SB 6909
- School impact fees, imposition and collection: SB 6656
- Seed capital pools, creation authorized: HB 1423
- Sewer charges, alternative lien and foreclosure process: SHB 2544
- Sewer connection for property owners outside city limits, when city may compel: SHB 1979
- Small works roster, uniform process to award contracts: SHB 2992
- State environmental policy act, annexation proceedings exempt from act: SB 6183
- Street utilities, creation and operation by cities and towns: SB 6824
- Street utility charges: *SSB 6358, CH 42 (1990)
- Subdivision approval, additional requirements and conditions: SB 6895
- Task force on city and county finances, membership and duties: *SB 6913, CH 1 E2 (1990)
- Taxes, revenue sources and levels: SHB 2833
- Utilities, municipal, reimbursement of city or town for management services: HB 2687
- Water-efficient landscaping ordinances, authorization to enact: SB 6509

MURPHY, JOHN

- Member, eastern state hospital advisory board, GA 9248 p. 564

MURRAY, SENATOR PATTY

- Appointed economic development and labor, education, and transportation committees pp. 11,12
- Statement for journal, removing name as sponsor of SB 6864 p. 318

MUSHROOMS

- Buyers and dealers, licensing requirements: HB 2924, SB 6529, *SB 6576, CH 20 (1990)
- Wild mushrooms, regulation of sales: HB 2924, SB 6529, *SB 6576, CH 20 (1990)

MUSSELS

- Enhanced food fish tax imposed on: SB 6585, SSB 6585

NATIONAL GUARD

- National Guard Day created: SB 5484
- Resources, inventory of resources of assistance to law enforcement agencies in drug enforcement authorized: SB 6203

NATURAL DEATH ACT

- Durable power of attorney for health care decisions may be executed and exercised: SB 5628
- Family member, physician, and health care facility liability limited: SB 5628
- Liability of family member, physician, and health care facility limited: SB 5628
- Resuscitation in event of cardiac or respiratory arrest, instruction to refrain from: HB 2465

NATURAL RESOURCES CONSERVATION AREAS

- Advisory council established: HB 1172, SB 5404
- Designation of areas, necessary conditions: HB 1172, SB 5404

NATURAL RESOURCES, DEPARTMENT OF

- Common school trust lands, transfer to other public agencies, conditions: SB 6831

NATURAL RESOURCES, DEPARTMENT OF—cont.

- Floating marine fin fish task force, support duties: SHB 2892
- Forest land, county acquisition of lands taken by state, conditions: SB 6867
- Forest land exchange act of 1990: SB 6704
- Forest lands, authorization to purchase or acquire: SB 6536, SSB 6536
- Lease assignments, tidelands, shorelands, and beds of navigable waters, approval may be conditioned on changes in contract terms: SHB 1688
- Reforestation operations on private lands: SB 6436
- Reserved timber, compensation for losses resulting from limits on sales to qualified enterprises: SHB 3016
- Rewards for information concerning violations relating to public lands and natural resources, authority to offer and pay: *SB 6727, CH 163 (1990)
- Tideland and bedland leases, not to issue for floating aquaculture until substantial development permits have been issued: SHB 1883
- Tidelands, shorelands, and beds of navigable waters, approval of lease assignments may be conditioned on changes in contract terms: SHB 1688
- Timber supply report, duties: SB 6830

NELSON, AVERLY

- Member, eastern state hospital advisory board, GA 9249 p. 565

NELSON, SENATOR GARY A.

- Appointed law and justice, chair; energy and utilities, and transportation committees pp. 11,12
- Parliamentary inquiry, votes needed to pass SB 6897 p. 971
- Motion to suspend twenty-four hour rule p. 1666
- Motion to include comments to the Washington condominium act in appendix of journal p. 1800

NEWHOUSE, SENATOR IRV

- Appointed agriculture, law and justice, rules and ways and means committees pp. 11,12
- Motions to limit debate pp. 395,779,1865
- Point of order, amendment to SSB 6325 p. 444
- Point of order, special order of business, SB 6252 p. 550
- Point of order, special order of business, ESHB 2929 p. 1191
- Motion to suspend joint rule 11 p. 726
- Motion to reconsider vote to not concur in house amendments to 2SSB 6780 p. 1335
- Motion to reconsider vote on committee amendment to SHB 2421 p. 1456
- Motion to reconsider vote on amendments to HB 1890 p. 1466
- Motion to reconsider vote by which conference was granted on ESSB 5545 p. 1471
- Motion to suspend twenty-four hour rule p. 1610
- Point of order, regarding rule 35 p. 2042

NEWSPAPERS

- Newsprint, programs to encourage recycling of: SB 6579, SSB 6579
- Recycled-content newsprint use required: SB 6338

NIEMI, SENATOR JANICE

- Appointed health and long-term care, law and justice, subcommittee on corrections, and ways and means committees pp. 11,12
- Point of order, amendments to SHB 2385 p. 1097
- Point of order, house amendments to E2SSB 6610 p. 1409
- Point of order, house amendments to E2SSB 6610 p. 1411

NONPROFIT CORPORATIONS

Facilities, authority of housing finance commission to issue revenue bonds for: *SB 6574, CH 167 (1990)

Local governments authorized to form public corporations to finance facilities for nonprofit corporations: SHB 2455, SB 6654

Public benefit nonprofit corporations, definition, designation by secretary of state: SB 5544

NONPROFIT ORGANIZATIONS

Donated clothing, exemption for purchases to be sold at cost to low-income persons: SB 5451

Food sales at fairs, sales tax exemption: SB 5908

Fund raising events, net income from wagers on charitable games not to exceed twenty-five thousand dollars: HB 1682, SB 6580

Homeless shelters, property tax exemption: *HB 1307, CH 283 (1990), SHB 2996

NOXIOUS WEED CONTROL BOARD

Purple loosestrife control and eradication, duties: SSB 6291, 2SSB 6291

NUISANCES

Moral nuisances, lewd live performances as regular course of business: *SB 6588, CH 152 (1990)

Premises unfit for human habitation, municipalities may not authorize private action to appoint receiver to abate: SB 6247

Premises unfit for human habitation, when municipalities may authorize private action to appoint receiver to abate: SSB 6247

NURSES

Education and training programs standardization to permit transfer of credit and recognition of work experience: SSB 5181

Education, state-wide plan for nursing education to be developed: SSB 6145

Institutional nursing consultant, long-term care experience to be considered in employment: SB 5944

Institutional nursing consultant, relevant experience to substitute for graduate education: SB 5944

Medications, nurses may administer in nursing homes subject to the general limitations of their licenses: SB 5683

Nurse practitioners, advanced, authorizing limited prescribing privileges: SHB 2451

Nursing assistant training program standards to be set by board of nursing: SB 5510

Nursing assistants, time in which to comply with registration requirements following employment: SB 5510

Practical nurses, licensing requirements: SB 6403

Registered nurses, licensing requirements: SB 5513

Standardization of education and training programs to permit transfer of credit and recognition of work experience: SSB 5181

State board of nursing membership and organization: SB 5513

Student nurses, subject to uniform disciplinary act when practicing nursing incidental to their course of study: SHB 2267, SB 6212

Unemployment compensation, exclusion from coverage of independent contractors: SB 6756

Workers' compensation, exclusion from mandatory coverage of independent contractors: SB 6755

NURSING HOMES

Adjustments for inflation, calculation by department of social and health services: SB 5800

Administrators, licensing requirements: SHB 2531, SB 6404

NURSING HOMES—cont.

- AIDS, pilot facility for patients with, nursing staff limit eliminated: *HB 2395, CH 207 (1990)
- AIDS, reimbursement of homes authorized to serve patients with: HB 2395
- At-home spouses of nursing home residents, maximum needs allowance raised: SB 6349
- Cost index lid for nursing services, increase in, not to apply retrospectively to costs incurred before July 1, 1990: SHB 2423
- Cost index lid, moratorium on imposition of: SB 6368
- Health department administrative authority: SB 6404
- Housing, nursing homes included in definition for purposes of housing finance commission: *SB 6574, CH 167 (1990)
- Inspection and licensing authority of the department of social and health services: SB 5683
- Licensing requirements: SB 6404
- Medicaid cost reimbursement, eligibility for: SB 6465
- "Nursing facility," change in terminology: SB 6311
- Patient trust funds, accounting and responsibility for: SB 6311
- Standards of care: SB 5077
- Veterans, planning and construction of skilled care center in eastern Washington: SB 6602

NUTRITION

- School guidelines, superintendent of public instruction to develop: SB 6485

OCCUPATIONAL THERAPY

- License renewal, evidence of continued competency required: *SB 6267, CH 13 (1990)

OFFICE OF FINANCIAL MANAGEMENT (See also FINANCIAL MANAGEMENT OFFICE)

- Leonard A. McComb, appointed director, GA 9208 pp. 24,1471

OIL AND GAS

- Alcoholic beverages, store prohibited from selling both alcohol and motor fuel: SB 6543
- Consumer petroleum pricing, creating joint select committee on the economic impact of: SCR 8432
- Geologic explorations, geophysical information to be supplied department of natural resources: SHB 1280
- Motor fuel quality act: *SHB 1450, CH 102 (1990)
- Motor fuel quality testing and enforcement program established: *SHB 1450, CH 102 (1990)
- Oil and hazardous substance spill contingency plans, requirements: SB 6725
- Oil recycling: SHB 2569
- Oil spill contingency plans, requirements for vessels and facilities: *2SHB 2494, CH 116 (1990)
- Oil spill first response system, maritime commission duties: SB 6701, *SSB 6701, CH 117 (1990)
- Outer continental shelf act amendment to require consultation with states prior to oil and gas lease sales: SJM 8009
- Pollution liability insurance program, program design, contracting, and consultation duties: *SHB 2609, CH 64 (1990)
- Pollution liability insurance program, revised terminology: SB 6518
- Recycling of used oil: SHB 2569
- Used oil recycling: SHB 2569
- Waste oil, transporting and processing, licensing requirements: SHB 2569
- Wildlife rescue coalition, rescue and rehabilitation of animals injured by oil spills: 2SHB 2208

OKAMOTO, DENNIS I.

Appointed director, department of revenue, GA 9257 p. 723

OLYMPIC COMMUNITY COLLEGE DISTRICT NO. 3

The Reverend Lawrence R. Robertson, trustee, GA 9224 p. 28

Barbara A. Stephenson, trustee, GA 9227 pp. 28,663

OPEN SPACES

Golf course eligibility for classification as open space: HB 1328

ORGANIC FOOD

Certification program, extension to packing sheds and wholesale distributors:
SHB 2952, SB 6244, SSB 6244

Certified food producers, director of agriculture to seek tax relief for financially
weak producers: SB 6821

Certified food producers, reduction of industrial insurance premiums: SB 6821

ORMSBY, MICHAEL C.

Reappointed trustee, Eastern Washington University,
GA 9182 p. 19

ORTEGA, SANTOS U.

Member, commission on judicial conduct, GA 9183 p. 23

OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

William S. Fearn, member, GA 9255 p. 576

James R. Fox, member, GA 9162 p. 17

Eliot W. Scull, reappointed member, GA 9191 p. 16

Acquisition of land for wildlife conservation and outdoor recreation, funding: SB
6412, *SSB 6412, CH 14 E1 (1990)

Interagency committee for outdoor recreation, acquisition of land for wildlife
conservation and outdoor recreation, funding: SB 6412, *SSB 6412, CH 14 E1
(1990)

OWEN, FRANCES PENROSE

Medal of merit award winner introduced and addressed joint
session p. 194

OWEN, SENATOR BRAD

Appointed energy and utilities, environment and natural
resources, and ways and means committees pp. 11,12

Point of order, free conference committee amendments
to EHB 2602 p. 1599

OZONE DEPLETION

Chlorofluorocarbon use restricted: SB 6428, SSB 6428

Restrictions on use of chlorofluorocarbons and other ozone depleting chemicals:
SHB 2414

PACIFIC NORTHWEST

Leadership conference called for Pacific Northwest states and provinces to dis-
cuss cooperative efforts in the fall of 1990: *SCR 8440 (1990)

**PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLAN-
NING COUNCIL**

R. Ted Bottiger, reappointed member, GA 9236 p. 136

Political affiliation, each member of Washington delegation to belong to a differ-
ent political party: SB 6870 ..

Spill memorandum of agreement, urged to permanently adopt as amendment to
Columbia river basin fish and wildlife program: SHJM 4017

PACKERS AND GUIDES

Salmon guides, license required: SB 5064

PARENTING

- Child abuse, treatment for abusive person removed from home: *2SSB 6259, CH 3 (1990)
- Child dependency proceedings: *2SHB 2122, CH 246 (1990)
- Parental rights, termination of, procedure: *2SHB 2122, CH 246 (1990)
- Parenting plans, modification of, when court may modify: SHB 2887
- Parent's employment schedule, factor to be considered in residential provisions of permanent parenting plan: SB 5789
- Shelter care hearings, requirements and procedures: *2SHB 2122, CH 246 (1990)
- Termination of parental rights, aggravated circumstances warranting: *2SSB 6537, CH 284 (1990), SB 6538, SSB 6538, 2SSB 6538
- Termination of parental rights, notice of appeal or notice for discretionary review, requirements: SSB 6814
- Termination of parental rights, proceedings in juvenile court: SB 6814
- Termination of parental rights, proceedings, procedural requirements: SSB 6538, 2SSB 6538

PARK AND RECREATION DISTRICTS

- Jet ski safety standards: *SHB 2421, CH 231 (1990)
- Senior citizen and community centers included in definition of recreational facilities: *HB 2032, CH 32 (1990)

PARK DISTRICTS

- Levy limits: *HB 2330, CH 234 (1990), SB 6707
- Property tax levy rates: SB 6455
- Property tax levy rates, fire protection: SB 6455

PARKING

- Automobile emissions, acute sensitivity to, special parking privileges because of: *HB 2842, CH 24 (1990)
- Disabled parking permits, eligibility for: *HB 2842, CH 24 (1990)
- State facilities, parking and transportation management programs: *HB 2802, CH 206 (1990), SB 6674
- Violations, enforcement procedures: *SB 6913, CH 1 E2 (1990)
- Violations, enforcement procedures: SB 6909
- Winter recreational area parking permits: *HB 2705, CH 49 (1990), SB 6517

PARKS

- Controlled substances, penalties increased for manufacture or sale on or near public buses and parks: *SHB 2336, CH 244 (1990), SB 6856

PARKS AND RECREATION COMMISSION

- Queenie Allado, reappointed member, GA 9141 p. 13
- Dick Dixon, reappointed member, GA 9157 p. 13
- Immunity from civil liability for unintentional injuries to persons on lands open for winter recreation: HB 1623, *SB 6559, CH 136 (1990), SB 6672
- Kettle river management program, assistance to Ferry and Stevens counties: *SB 6839, CH 277 (1990)
- Recycling receptacles to be placed in state parks: SB 5783, SSB 5783
- Scenic river system, cooperation with local and federal governments and private owners, management techniques and policies: SB 6666
- Scenic river system, staff contact person to be designated for each river, duties: SB 6666
- Winter recreation advisory committee extended: *HB 2705, CH 49 (1990), SB 6517
- Winter recreational area parking permits: *HB 2705, CH 49 (1990), SB 6517
- Winter recreational facilities, reimbursement for costs of plan review and construction approval: HB 2719, *SB 6559, CH 136 (1990)

PARLIAMENTARY INQUIRIES

- Question if SSB 6314 on consent calendar (Vognild) p. 473

PARLIAMENTARY INQUIRIES—cont.

| | |
|---|---------|
| Placement of amendments to SSB 6332 (Vognild) | p. 474 |
| Issue being debated, 2SSB 6834 (McCaslin) | p. 542 |
| Question on what banging of gavel means (McCaslin) | p. 820 |
| Question of floor time when debate limited (McCaslin) | p. 840 |
| Request to ask question on SFR 1990-8745 (Wojahn) | p. 928 |
| Question before senate, SSB 6407 (McDonald) | p. 929 |
| Votes needed to pass bill, SB 6897 (Nelson) | p. 971 |
| Votes needed to suspend rules and move ESSB 6799 back to second reading (Vognild) | p. 1082 |
| Votes needed to pass HB 2775 (Rasmussen) | p. 1147 |
| Status of ESSB 5545 after house amendments ruled out of order (Wojahn) | p. 1432 |
| Question time to raise scope and object, ESB 6411 (Rasmussen) | p. 1572 |
| Question status of amendments ruled out of order by the house, HB 2555 (Rasmussen) | p. 1574 |
| Question timing of raising twenty-four hour rule on free conference, EHB 2888 (Talmadge) | p. 1657 |
| Votes needed to suspend rule 11 of joint rules, EHB 2888 (Talmadge) | p. 1666 |
| Question pass SSB 6407 without a resolution (Vognild) | p. 1687 |

PATERNITY

Immigrants, determination by the United States immigration and naturalization
service presumed valid: *SHB 1565, CH 175 (1990)

PATRICK, SENATOR MICHAEL E.

| | |
|--|--------|
| Letter and certificate of appointment | p. 2 |
| Oath of office and remarks | p. 2 |
| Appointed energy and utilities, governmental operations, law and justice, subcommittee on corrections, and transportation committees 11.12 | pp. |
| Remarks on first speech on senate floor | p. 182 |

PATTERSON, SENATOR E. G. "PAT"

Appointed transportation, chair; higher education, vice chair;
and environment and natural resources committees pp. 11.12

PAWNBROKERS AND SECOND-HAND DEALERS

Commercial paper excluded from definition of personal property; HB 2615

PEABODY, PENELOPE

Member, small business export financial assistance center
board of directors, GA 9234 p. 47

PEARSON, DR. ERIK

Trustee, columbia basin community college district no. 19,
GA 9184, confirmed pp. 24,135,280

PEDERSON, E. DAN

Member, eastern state hospital advisory board, GA 9253 p. 565

PEDESTRIANS

Curb ramps for disabled persons, crossing roadway permitted at: SB 6303
Safety requirements: *SB 6303, CH 241 (1990)
Traffic control signals, changes to protect: *SB 6303, CH 241 (1990)

PELKEY, JEANNE A.

Trustee, state school for the blind, GA 9185,
confirmed pp. 19,662,830

PENINSULA COMMUNITY COLLEGE DISTRICT NO. 1

Marietta Kilmer, reappointed trustee, GA 9174,
confirmed pp. 21,226,525

PERSONAL PRIVILEGE, POINTS OF

Senator Patrick, first speech on senate floor p. 182
 Senator Barr, remarks on Senator Patrick's first speech on
 senate floor p. 184
 Senator West, proposal of marriage to Miss Ginger Marshall,
 seated in gallery p. 322
 Senator Talmadge, notation for Senator Hayner to refer to
 Senator Craswell as madam president when presiding p. 362
 Senator Barr, explains amendment to amendment
 to SSB 6799 p. 824

PERSONNEL APPEALS BOARD

Walter E. White, reappointed member, GA 9240 p. 136

PERSONNEL, DEPARTMENT OF

Human resources, department, change of name, duties: HB 2567, SB 6444

PESTICIDES

Containers, authority of department of agriculture to regulate size of home pesti-
 cide containers: SHB 2593
 Home pesticide containers, authority of department of agriculture to regulate size
 of containers: SHB 2593
 Minor use advisory committee, membership and duties: SB 6245, SB 6526, SSB
 6526
 Minor use registrations: SB 6245, SB 6526, SSB 6526
 Recordkeeping requirements, revisions: SB 6246, SSB 6246
 Registration for minor uses, technical assistance and coordination of activities: SB
 6245, SB 6526, SSB 6526
 Residential area applications, warning signs requirements: SB 6339
 Rights of way, reduction of pesticide use to control vegetation along, vegetation
 management task force created: SB 6194, SSB 6194
 Roadside spraying activities, task force created to study: SHB 2593
 Vegetation management task force, membership and duties: SB 6194, SSB 6194
 Vegetative management along roadways, task force created to study: SHB 2593
 Warning sign requirements, residential area applications: SB 6339
 Workplace pesticide list, recordkeeping requirements: SB 6246, SSB 6246

PETERSON, ANITA M.

Reappointed member, clemency and pardons board, GA 9210 p. 25

PHARMACIES

Designated pharmacies, health care insurance plan cannot require patient to
 use only: SB 5596, SB 6375
 Generic drugs, substitution of equivalent generic drug when prescription is
 issued in another state, when allowed: HB 2394, *SB 6192, CH 218 (1990)
 Health care insurance plans cannot require patient to use only a designated
 pharmacy: SB 5596, SB 6375
 Nonresident pharmacies, conditions to mail or deliver drugs in Washington, limi-
 tations, and penalties: SSB 5772
 Pharmacists, civil liability limited to acts of willful or negligent conduct in filling
 prescription: SB 5597
 Pharmacists, filling of a prescription does not create any implied warranty: SB
 5597
 Pharmacists, rural physician, pharmacist, and midwife training program: *SSB
 6418, CH 271 (1990)

PHARMACIES—cont.

- Pharmacists, training and career mobility, study and report to legislature: SB 5744, SSB 5744
- Pharmacy assistants, certification requirements: SSB 6402
- Pharmacy assistants, licensure or registration: *SHB 2524, CH 83 (1990), SB 6402
- Prescriptions, out of state veterinary and dentist prescriptions may be filled by pharmacies in Washington: *SSB 5594, CH 219 (1990)
- Prescriptions, out-of-state, prescriptions may be filled by pharmacies in Washington: SSB 5594
- Prescriptions, substitution of equivalent generic drug when prescription is issued in another state, when allowed: HB 2394, *SB 6192, CH 218 (1990)

PHARMACY, BOARD OF

- Barbara Vanderkolk, reappointed member, GA 9239 p. 137
- Drug misuse, diversion, and abuse, interdepartmental coordinating committee, duties regarding, repeal: *SHB 2524, CH 83 (1990), SB 6402, SSB 6402
- Extension: *SHB 2524, CH 83 (1990), SB 6402, SSB 6402

PHYSICIANS

- Athletic ability, drugs and autotransfusion may not be prescribed to enhance: SSB 5319
- Controlled substances, testing of pregnant women and newborn infants, referral to health education and treatment: SB 6457
- Hospitals employing are not engaged in the unlicensed practice of medicine: SB 5387
- Immunity from civil liability for provision of charity emergency obstetrical care: SB 6229
- Interns and residents, regulation of hours of work by department of health authorized: SB 6228
- Limited medical licenses for departmental or divisional fellows, two year limit: *HB 2469, CH 160 (1990), SB 6271
- Obstetrical emergency care for medicaid patients, immunity and indemnification provisions: SB 6020
- Professional liability, joint select commission on, formation, organization, and duties: SCR 8413
- Rural physician and midwife scholarship program: SB 6418, SSB 6418, 2SSB 6418
- Rural physician, pharmacist, and midwife scholarship program: *2SSB 6418, CH 271 (1990)

PHYSICIANS' ASSISTANTS

- Acupuncturist physician assistant, licensing requirements: *SHB 2917, CH 196 (1990)
- Physician assistant, changes in terminology and licensing requirements, scope of practice, and discipline: *SHB 2917, CH 196 (1990)

PIERCE COMMUNITY COLLEGE DISTRICT NO. 18

- Ramon L. Barnes, reappointed trustee, GA 9241 p. 215
- Puyallup campus, all functions to be transferred to by July 1, 2001: SB 6263

PIERCE, JOHN B. L.

- Member, small business export financial assistance center board of directors, GA 9259 p. 1602

PILOTAGE COMMISSIONERS, BOARD OF

- Joseph A. Marci, member, GA 9258 p. 1554
- Membership increased: SB 6725
- Oil and hazardous substance spill prevention, duties: SB 6725

PILOTS, MARITIME

Alcohol or drug related offenses, denial or suspension of license for: *2SHB 2494, CH 116 (1990)

Licensing, United States master's license required: *SB 6528, CH 112 (1990)

Pilotage act, expressing support for: SCR 8435

PINE, BILL

Member, juvenile disposition standards commission,

GA 9262 p. 1801

PLATS

Lot numbers and house addresses to be shown on plats and short plats: SB 6254

Power, gas, and telecommunications services availability to be shown: SB 6256

Short plats, filing and recording requirements: SB 5489

Subdivision of land wholly or partially within irrigation district: *HB 2473, CH 194 (1990), SB 6630

Utility services, affidavit accompanying plat to show type, location, and whether connected for each service: SSB 6256

PLUMBING

Backflow prevention assembly and crossflow connection installers and testers, certification requirements: SSB 6691

Defined for purposes of plumber certification: SB 6691, SSB 6691

Irrigation systems installer defined: SSB 6691

PODIATRY AND PODIATRISTS

Podiatric medical board, membership and duties: *SHB 2792, CH 147 (1990)

Podiatric physicians and surgeons, licensing requirements: *SHB 2792, CH 147 (1990)

POINTS OF ORDER

| | |
|--|---------|
| Amendment to SSB 6326 (Newhouse) | p. 444 |
| Amended striking amendment to SSB 5020 (Sutherland) | p. 449 |
| Amendments to SB 6506 (Talmadge) (withdrawn) | p. 452 |
| Special order of business, SB 6252 (Newhouse) | p. 550 |
| 2SSB 6352 properly before senate (Vognild) | p. 558 |
| Amendment to committee amendment, EHB 2888 (Talmadge) | p. 776 |
| Amendment to committee amendment, HB 2290 (Bauer) | p. 915 |
| Committee amendment to EHB 2626 (Sutherland) | p. 923 |
| Previous question stops all debate, | |
| SFR 1990-8745 (Vognild) | p. 928 |
| Amendment to HB 1307 (McDonald) | p. 1082 |
| Amendments to SHB 2385 (Niemi) | p. 1097 |
| Committee amendment to 2SHB 2986 (Fleming) | p. 1112 |
| Amendment to committee amendment to 2SHB 2986 (West) | p. 1148 |
| Amendment to HB 2555 (West) | p. 1163 |
| House amendments to ESSB 6499 (Talmadge) | p. 1283 |
| House amendments to ESSB 5545 (Wojahn) | p. 1319 |
| House amendments to SSB 6626 (Talmadge) (withdrawn) | p. 1329 |
| House amendment to SSB 6494 (Stratton) | p. 1393 |
| House amendments to E2SSB 6610 (Niemi) | p. 1409 |
| House amendments to E2SSB 6610 (Niemi) | p. 1411 |
| House amendments to ESB 6797 (Metcalf) | p. 1423 |
| Free conference committee amendments to EHB 2602 (Owen) | p. 1599 |
| Free conference committee amendments to | |
| ESB 6411 (Rasmussen) | p. 1611 |
| Conference committee amendments to E2SSB 6610 (Talmadge) | p. 1641 |
| Twenty-four hour rule, free conference report | |
| on EHB 2888 (Talmadge) | p. 1656 |

POINTS OF ORDER—cont.

Rule 35 limits debate on suspension of
rules (Newhouse) p. 2042

POLICE

City or town councilmembers, authorization to serve as reserve officers: SB 6786
Officers killed or disabled in line of duty, increase in pension for surviving
spouses: SB 6878
Surviving spouses of officers killed or disabled in line of duty, increase in pension
for: SB 6878

POLLUTION

Oil and hazardous materials spills, contingency plan requirements: *2SHB 2494,
CH 116 (1990)
Oil and hazardous substances spills, liability for unlawful discharges: *2SHB 2494,
CH 116 (1990)
Oil spill first response system, maritime commission duties: SB 6701, *SSB 6701, CH
117 (1990)
Oil spills, contingency plan requirements: *2SHB 2494, CH 116 (1990)

POLLUTION LIABILITY REINSURANCE PROGRAM

James M. Sims, appointed administrator,
GA 9193, confirmed pp. 17,575,665

PORT DISTRICTS

Associate development organizations, promotional expenditure limits raised: HB
2401
Debt funding limitation increase: *SHB 2726, CH 254 (1990)
Port commissioners, filling vacancies in office: *HB 1571, CH 40 (1990)
Promotional expenditure limits: HB 2401
Road improvements, authorization to spend port funds for: SHB 2587, SB 6531, *SSB
6531, CH 5 (1990)
Vacancies in the office of port commissioner, procedure to fill: *HB 1571, CH 40
(1990)

PORTS, PUBLIC

Cooperative efforts available to ports and local associate development groups,
temporary task force, expiration and final report dates extended: *SB 6200,
CH 4 (1990)

POVERTY

Interim study on poverty issues: *SCR 8446 E1 (1990)

POWERS, ROBERT K.

Reappointed member higher education facilities
authority, GA 9133, confirmed pp. 134,202

PREGNANCY

Adoption, supported as an option for women with unintended pregnancies: *HB
2602, CH 285 (1990)
Controlled substances and alcohol use, local prevention programs: SB 6458
Controlled substances, testing and referral to health education and treatment: SB
6457
Reproductive health pilot projects: SHB 2601
Teen pregnancy prevention, reproductive health pilot projects: SHB 2601

PRENATAL CARE

Maternity care access act, contract for evaluation need not be let to nonprofit
organization: SB 6815

- PRESIDENT OF THE SENATE** (See also LIEUTENANT GOVERNOR; also PRITCHARD, JOEL; also RULINGS AND REPLIES BY THE PRESIDENT; also PARLIAMENTARY INQUIRIES)
- Presiding officer, joint sessions pp. 50,190
 Presented medal of merit award to James Ellis p. 191
 Voted "aye" on committee amendment to ESHB 1825 p. 1307
 Voting member, rules committee p. 2103
- PRESIDENT PRO TEMPORE** (See also SENATOR ALAN BLUECHEL; also RULINGS AND REPLIES BY THE PRESIDENT PRO TEMPORE; also PARLIAMENTARY INQUIRIES)
- PREVAILING WAGE**
- Apprentices, determination of rate when employed on public works projects: SB 6168
 Apprentices, payment to apprentices with approved apprenticeship or training agreement: SSB 6168
 Contracts, agencies to state wage rate in contract specifications: SB 5822, SSB 5822
 Determination, procedures and definitions: SB 5822, SSB 5822
 Developmentally disabled workers employed in sheltered workshop, exemption from provisions: SSB 6629
 Developmentally disabled workers, exemption from provisions: SB 6629
 Labor and industries department, fee assessment: SHB 2578, SB 6468
 Public works projects, federal and state wage rates both apply, state rate is federal rate: SB 5822, SSB 5822
 Public works sites defined for purposes of payment of: SB 6732
 School construction and renovation, exemption from: SB 6902
 Violations, penalties: SHB 2578, SB 6468
- PRISONERS**
- Boot camp program for adult offenders established: SB 5455
 Boot camp program for first-time offenders, pilot program: SB 6595
 Care and maintenance costs, recovery from prisoner by state: SB 5537, SSB 5537
 Confinement, place of, for sentences over six months: SB 5278, SB 5321
 Early release and notification, governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)
 Earned release credit, credit for presentence incarceration: SB 6644
 Earned release credit, not to exceed fifteen percent of sentence in case of sex offenders: SB 6644
 Inmate housing authority board, membership and duties: SB 6658
 Inmate labor, use in construction, repair, or modification of correctional facilities: SB 6723
 Inmate population limits for institutions at Monroe and Shelton repealed: SB 6803, SSB 6803
 Inmate work programs: SB 6581, SSB 6581
 Jail labor, reduction in amount of outstanding fines and costs, rate increase: SB 6676
 Monroe, inmate population limit repealed: SB 6803, SSB 6803
 Regimented inmate discipline pilot program created: SB 5320
 Release, notice requirements, confidentiality of names of persons receiving notice: SB 6441
 Reporting to law enforcement authorities upon release, requirements: SB 6744
 Sexually explicit mail, prohibited from receiving: SB 6778
 Shelton, inmate population limit repealed: SB 6803, SSB 6803
 Telephone conversations, monitoring and recording of jail inmate calls, procedure and limitations: SB 5912

PRISONERS OF WAR

- License plates for POW spouses, surrender on remarriage: SB 6251
- License plates for POW widows supplied free: SB 5209
- Missing in action/prisoner of war Americans, requesting Congress to authorize disclosures concerning: *SJM 8020 (1990)
- Widows of POW's, free license plates: SB 5209

PRISONS

- Bonds, authorization to issue general obligation bonds to fund construction and remodeling of: SB 6620
- Boot camp program for first-time offenders, pilot program: SB 6595
- Correctional facilities siting authority, membership and duties: SB 6803
- Inmate housing authority board, membership and duties: SB 6658
- Inmate labor, use in construction, repair, or modification of correctional facilities: SB 6723
- Inmate population limits for institutions at Monroe and Shelton repealed: SB 6803, SSB 6803
- Mitigation funds to offset effects on communities from the relocation of families to be near incarcerated offenders, payment to counties: SB 6114
- Monroe, inmate population limit repealed: SB 6803, SSB 6803
- Population limits at correctional institutions removed: *HB 2939, CH 302 (1990)
- Regimented inmate discipline pilot program created: SB 5320
- Release of prisoner, reporting to law enforcement authorities, requirements: SB 6744
- Shelton, inmate population limit repealed: SB 6803, SSB 6803
- Siting and construction of additional facilities, correctional facilities siting authority duties: SB 6803

PRITCHARD, JOEL (See also PRESIDENT OF THE SENATE; also LIEUTENANT GOVERNOR; also RULING AND REPLIES BY THE PRESIDENT; also PARLIAMENTARY INQUIRES)

PRIVACY

- Residence, prohibition on agency disclosure of a person's residence, exceptions: SB 6423

PROBATE

- Deceased inmates of state institutions, transfer of estate: *SB 6394, CH 225 (1990)
- Domestic trusts, amendment to qualify gift to noncitizen surviving spouse for federal estate tax marital deduction: SB 6390, *SSB 6390, CH 179 (1990)
- Escheat property, application of department of revenue to administer, time limit to make: *SB 6394, CH 225 (1990)
- Escheat property, transfer to department of revenue for administration: *SB 6394, CH 225 (1990)
- Inheritance tax references, deletion of obsolete references: SB 6395, *SSB 6395, CH 180 (1990)
- Marital deduction gifts, amendment of will or trust to qualify gift to noncitizen surviving spouse as: SB 6390, *SSB 6390, CH 179 (1990)
- Marital trust gifts, internal revenue code references corrected: *SB 6391, CH 224 (1990)
- Surviving spouse, amendment of will or trust to qualify gift to noncitizen for federal estate tax marital deduction: SB 6390, *SSB 6390, CH 179 (1990)
- Transfer of shares between spouses: *SSB 6395, CH 180 (1990)
- Wills, requisites: *SB 6392, CH 79 (1990)

PROBATION AND PAROLE

- Community corrections officers, authorized to carry firearms: SB 5775

PRODUCTIVITY BOARD

- Awards procedure modifications: SB 5437

PROPERTY

Taking, establishing a process to determine whether a taking of private property has occurred: SB 6253, SB 6812

PROTEST

Action on SB 6252 (Senator Sutherland) p. 552

PSYCHOLOGISTS

Examining board of psychology, terms of members: SB 5512

PUBLIC ASSISTANCE

At-home spouses of nursing home residents, maximum needs allowance raised: SB 6349

Chiropractic services, appropriation for: SB 6163

General assistance, eligibility, children residing with court-appointed guardian and students under twenty: SHB 2610, SB 6806

Grant standards, establishment of: 2SHB 2910

Homeless families, shelter standard: SHB 2610, SB 6806

Liens, enforcement to recover costs of assistance: *SB 5169, CH 100 (1990)

Medical assistance coverage for recipients: SB 5610

Minors with dependent children, eligibility for aid to dependent children: SB 5411

Nursing home care for recipients in need of supervised medical care: SB 5683

Overpayments, recovery by department of social and health services: *SB 5169, CH 100 (1990)

Revenue collection by department of social and health services: *SB 5169, CH 100 (1990)

PUBLIC CORPORATIONS

Decisions of corporation, city or county to adopt procedure to hear appeals and review: SB 6474, SSB 6474

Local governments authorized to form public corporations to finance facilities for nonprofit corporations: SHB 2455, SB 6654

Puget Sound water quality authority, authorization to form, permissible purposes: *SHB 2482, CH 115 (1990)

Real property, purchase or sale, procedure: SB 6474, *SSB 6474, CH 189 (1990)

Real property, sale of property transferred by county or city, review and action by county or city: SB 6474, *SSB 6474, CH 189 (1990)

Washington automobile insurance corporation, public nonprofit corporation created: SB 6758

PUBLIC DISCLOSURE

Applications for positions requiring gubernatorial nomination and senate confirmation not public records under act: SB 6301

Basic health plan, confidentiality of records: HB 2266, *SB 6180, CH 54 (1990)

Collective bargaining, private sessions authorized in bargaining by public bodies: *SHB 2337, CH 98 (1990), SB 6365

Consumer protection civil investigative demands, confidentiality of, exceptions: SB 6330, *SSB 6330, CH 199 (1990)

Criminal offenders, study of laws governing confidentiality and disclosure of information about dangerous offenders: *2SSB 6259, CH 3 (1990)

Gubernatorial nomination and senate confirmation, applications for positions requiring, not public records under act: SB 6301

Home and work addresses, exemption from public inspection to protect life, safety, or property of person requesting: SB 6880, *SSB 6880, CH 256 (1990)

Home and work addresses, exemption from public inspection to protect life, safety, or property of person requesting, effective date March 1, 1991: *SB 6913, CH 1 E2 (1990)

Initiative, referendum, and recall, petitioners' names to remain confidential: SHB 1669

PUBLIC DISCLOSURE—cont.

- Motor vehicle registration records, person may request that residence address remain confidential: SB 6519
- Motor vehicle registration records, restrictions on release of: SHB 2463
- Political committees, authorization for public employees to make contributions through: SB 5698, SSB 5698
- Release of inmate, confidentiality of names of persons receiving notice of: SB 6441
- Residence, prohibition on agency disclosure of a person's residence, exceptions: SB 6423
- Schools, board of directors to adopt policies on public records: SB 6609, SSB 6609
- Tax information, confidentiality, release to Canadian and United States agencies expanded: HB 2343, SB 6450
- Uniform disciplinary act, reports filed under are not subject to, exceptions: SB 6298
- Work and home addresses, exemption from public inspection to protect life, safety, or property of person requesting: SB 6880, *SSB 6880, CH 256 (1990)
- Work and home addresses, exemption from public inspection to protect life, safety, or property of person requesting, effective date March 1, 1991: *SB 6913, CH 1 E2 (1990)

PUBLIC DISCLOSURE COMMISSION

- Alma Misako Kimura, reappointed member, GA 9180 pp. 28,1436
- Douglas L. True, member, GA 9127, confirmed pp. 308,468

PUBLIC EMPLOYEES

- Collective bargaining rights established: SHB 1557
- Conversion contracts for persons who become ineligible under state health plan, exceptions: *HB 2411, CH 222 (1990), SB 6356
- Leave sharing program, sick leave transfer authorized: SHB 2402, SB 6456
- Political committees, authorization for payroll deductions for contributions to: SB 5698, SSB 5698
- Public employee tutor program: SB 6486
- Public employee tutors program, early childhood and public school tutoring program: SB 6764
- Return-to-work program to be established, requirements: *HB 2362, CH 204 (1990)
- Salary increases, allocation, priority to employees farthest behind prevailing rates: SB 6546, SSB 6546
- Sick leave, may be transferred through leave sharing program: SHB 2402, SB 6456
- State employee, operation of state-owned vehicles, driver's license, proof required: HB 2803, *SB 6673, CH 75 (1990)
- State employees, career executive program, expansion: *HB 2567, CH 60 (1990)
- State employees, civil service, tied scores, inclusion on eligibility list: *HB 2567, CH 60 (1990)
- State employees, employee assistance program: *HB 2567, CH 60 (1990), SB 6444
- State employees, exempt positions, reversion rights: *HB 2567, CH 60 (1990)
- State employees, recruitment, retention, and development, governor's request: *HB 2567, CH 60 (1990), SB 6444
- State employees, relocation, payment of expenses: HB 2567, SB 6444
- State, salary increases: SB 6892
- Subsistence and travel expenses, meeting expenses and mileage reimbursement: *HB 1703, CH 30 (1990), SB 5661, SSB 5661
- Tuition waivers at state colleges and universities permitted for classified state employees: *SHB 1824, CH 88 (1990)
- Tutor program: SB 6486

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

Contribution rate: SHB 2925, SB 6600, *SSB 6600, CH 18 (1990)

Contribution rate for members: SHB 2642, SB 6594, *SSB 6594, CH 8 (1990)

Cost of living adjustments for minimum benefit plan I members whose purchasing power has eroded over forty percent: SB 6762

Law enforcement officer and fire fighter members, option to join law enforcement officers' and fire fighters' retirement system: SB 6591

Public employment without loss of benefits, conditions: *SHB 2644, CH 274 (1990), SB 6593

Retirement after twenty-five years of service under plan I: SB 6819

School employees, computation of service credit: *SHB 2644, CH 274 (1990), SB 6593

Survivorship options: *SHB 2643, CH 249 (1990), SB 6592

Temporary employee membership: *SHB 2644, CH 274 (1990)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Mark C. Endresen, reappointed member, GA 9211 p. 25

Janet L. Gaunt, member, GA 9212 pp. 25,932

Joseph F. Quinn, reappointed member, GA 9213 pp. 25,932

PUBLIC FUNDS

Habitat conservation account, appropriation to, authorized uses of funds: *SSB 6412, CH 14 E1 (1990)

Outdoor recreation account, appropriation to, authorized uses of funds: *SSB 6412, CH 14 E1 (1990)

Specialized transportation services account: SB 6894

Trust funds, constitutional amendment to allow investment of state trust funds: SJR 8239

PUBLIC FUNDS INVESTMENT ACCOUNT

Expansion of funds included in account: *HB 2312, CH 106 (1990), SB 6242

PUBLIC HEALTH

Community violence prevention and intervention pilot programs: 2SHB 2543

Contaminated properties, clean-up or elimination of: *SHB 2906, CH 213 (1990)

Sludge landspreading, regulation, permit process: SB 6173

Violence prevention, public health intervention strategy: 2SHB 2543

PUBLIC HOSPITAL DISTRICTS

Levy limits: *HB 2330, CH 234 (1990), SB 6707

Property tax, increased levy authority may be exercised for the duration of the authorization: *HB 1307, CH 283 (1990)

Property tax levy rates: SB 6455

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Granted permission to use senate chambers on May 8, 1990, for excellence in education awards ceremony p. 166

Adult instruction in vocational institutions, pilot program: 2SHB 2348, SB 6411, *SSB 6411, CH 272 (1990)

AIDS curriculum programs, to make a study of: SB 6273

All kids can learn incentive grants, program administration: *SHB 2375, CH 148 (1990)

Assessment program, high school and beyond, eighth and eleventh grade assessments to be conducted, duties: SB 6221, *SSB 6221, CH 101 (1990)

Associate instructor teaching classification: SB 6643

Basic education moneys, authority to withhold from districts owing repayment of moneys to the federal government: *SB 6224, CH 103 (1990)

Before and after school child care program created, administration of grant funds: SB 6217

PUBLIC INSTRUCTION, SUPERINTENDENT OF—cont.

- Before and after school child care program, duties: 2SHB 2471
- Bicycle safety education for children in grades K-6: SB 6427
- Breakfast program for districts containing severe need schools, planning and implementation: SHB 1601
- Building-based incentive grant program: SB 6864
- Buses, to develop plan to phase out pre-1977 school buses: SSB 6184
- Career ladders, teacher technicians, and master teachers, advisory committee to study, duties: SB 6331
- Child abuse prevention education specialists, training and financial assistance duties: SB 6226, SSB 6226
- Child abuse prevention in the schools, task force to develop an integrated service delivery program, appointment of, duties: SB 6226
- Child care grant program: 2SHB 2471
- Classroom management, in-service training program: SB 6532
- Compensation of professional educators, improvement and maintenance study, duties: SB 6864
- Consultant special certificates, informational document on, distribution duties: SSB 6643
- Cooperating teachers, stipends for assistance to student teachers: *SB 5371, CH 10 E1 (1990)
- Cooperative vocational education grant program: SB 6222
- Dispute resolution and creative problem solving, to develop model curriculum: SB 6481
- Drop-out prevention and retrieval programs, funding for: SB 6914
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses, duties and rulemaking authority: SB 6174, SSB 6174
- Earthquake, asbestos, and radon safety in public school buildings, reporting and cost estimates, duties: SB 6875
- Earthquake preparedness, model policy development duties: SB 6714, SB 6875
- Educational technology services: SB 6337, SSB 6337, 2SSB 6337
- Eleventh grade assessment, content of examination: SHB 1741
- Energy information program, development and required elements responsibilities: SSB 5835, *2SSB 5835, CH 301 (1990)
- Enrollment options programs, report to legislature on students participating in state and local: SB 6733, SSB 6733, 2SSB 6733
- Excellence in education program, program expanded to include classified staff: *HB 2265, CH 77 (1990)
- Excellence in teacher preparation program, stipends for cooperating teachers: *SB 5371, CH 10 E1 (1990)
- Fair start program grants, administrative duties: SB 6352, SSB 6352
- Full service schools pilot project: SB 6886
- Funding, enhanced funding request for districts in which twenty or more native languages are spoken: SB 6483
- Health education, comprehensive program, duties: SB 6480
- High school and beyond assessment program, eighth and eleventh grade assessments to be conducted, duties: SB 6221, *SSB 6221, CH 101 (1990)
- Homeless education grant program created, administrative duties: 2SHB 2359, SB 6218, SSB 6218
- Innovation in vocational education program for the twenty-first century: SB 6337, SSB 6337, 2SSB 6337
- International education, development duties: SHB 2653
- Languages, twenty or more native languages spoken in district, to make enhanced funding request: SB 6483
- Learning disabilities, methods of responding to students with, in-service training program: SB 6532
- Literacy, standardized test of basic literacy skills, development duties: SSB 6411

PUBLIC INSTRUCTION, SUPERINTENDENT OF—cont.

- Local master's degree teacher training program: SB 6294
- Magnet school program, administrative duties: SHB 2517, SB 6171, SSB 6171
- Mentor athletes program: SB 6688
- Nutritional guidelines for schools, development duties: SB 6485
- Professional development center grants: SB 6484
- Professional educator renewal program, administration: SHB 1765
- Scoliosis screening, to be performed annually on students in grades 5, 7, and 9, administrative duties: SSB 6223
- Scoliosis screening, to be performed on students in grades six and eight, administrative duties: SB 6223
- Seismic safety inspection of school buildings and coordination of earthquake related programs: SB 6227
- Special needs schools, school improvement assistance, duties: SB 6733, SSB 6733
- Student assessment program, high school and beyond, eighth and eleventh grade assessments to be conducted, duties: SB 6221, *SSB 6221, CH 101 (1990)
- Student enrollment options programs, duties: SB 6469
- Teachers training teachers program: SB 6409
- Twenty or more native languages spoken in district, to make enhanced funding request: SB 6483
- Video, state-wide video telecommunications system development, administrative duties: SB 6219, SSB 6219, 2SSB 6219
- Vocational education, cooperative vocational education grant program: SB 6222
- Vocational technical institutes, state board for, transfer of vocational education duties to: SHB 2742

PUBLIC LANDS, COMMISSIONER

- Timber harvesting and processing developments, report to legislature on state response to: SB 6728

PUBLIC MARKETS

- Defined: HB 2937, SB 6810
- Defined, permitted uses: *SSB 6474, CH 189 (1990)

PUBLIC OFFICERS AND OFFICIALS

- Misrepresentation of daily operations to inspectors prohibited: SB 5677
- Subsistence and travel expenses, meeting expenses and mileage reimbursement: *HB 1703, CH 30 (1990), SB 5661, SSB 5661

PUBLIC RECORDS

- Optical, photographic, or electronic imaging of records, rulemaking authority of state archivist: SB 6899
- State archivist, rulemaking authority, optical, photographic, or electronic imaging of records: SB 6899
- Title insurers, provision of copies of records to insured, not an unfair practice: SB 6808

PUBLIC RESTROOMS

- Ratio of men's to women's toilets: SB 6686

PUBLIC SERVICE COMPANIES

- Regulatory fees, due dates for payment: *HB 2527, CH 48 (1990), SB 6511

PUBLIC UTILITIES

- Energy conservation and efficiency investments, return on investment: *SHB 2198, CH 2 (1990)

PUBLIC UTILITY DISTRICTS

- "Compensation," term substituted for salary in regard to employees: HB 2537, *SB 6549, CH 16 (1990)
- Internal job value limits increased: *SHB 2584, CH 251 (1990)

PUBLIC UTILITY DISTRICTS—cont.

Sewer inspections, authority to conduct: *SHB 2708, CH 107 (1990)

Small works roster use authorized: *SHB 2584, CH 251 (1990)

PUBLIC WATER SUPPLY SYSTEMS

Acquisition of failing systems, assistance to local governments: SB 6447, *SSB 6447, CH 133 (1990)

Design or installation, certification and licensing of persons authorized to conduct: SB 6783

Failing systems, receivership actions: SB 6447, *SSB 6447, CH 133 (1990)

Failures, department of health to receive complaints concerning: SB 6446, *SSB 6446, CH 132 (1990)

Inspections, state and local government duties: SB 6446

Local engineering regulations authorized: SB 6446, *SSB 6446, CH 132 (1990)

Rates, inclusion of normal maintenance costs: SB 6446, *SSB 6446, CH 132 (1990)

Review and approval of, department of health duties: SB 6446, *SSB 6446, CH 132 (1990)

PUBLIC WORKS

Apprentices, determination of prevailing rate when employed on public works projects: SB 6168

Apprentices, payment of prevailing wage to apprentices with approved apprenticeship or training agreement: SSB 6168

Appropriations for projects recommended by the public works board: *HB 2288, CH 129 (1990), SB 6420

Prevailing rates, determination of rate for apprentices employed on public works projects: SB 6168

Prime contractors and subcontractors, responsibilities and liabilities: SB 6500

Sites defined for purposes of payment of prevailing wage: SB 6732

Small works roster, uniform process for local governments to award contracts: SHB 2992

Subcontractors and prime contractors, responsibilities and liabilities: SB 6500

PUGET SOUND WATER QUALITY AUTHORITY

Lester Eldridge, reappointed member, GA 9159 p. 15

Hugh D. Spitzer, reappointed member, GA 9198 p. 14

Ambient monitoring program, implementation duties: *SHB 2482, CH 115 (1990)

Comprehensive plan, powers and duties regarding: *SHB 2482, CH 115 (1990)

Executive director, full-time position created: SSB 6211

Hearings on proposals to modify water quality protection plan, requirements and procedures: *SHB 2482, CH 115 (1990), SB 6211, SSB 6211, SB 6416

Membership, duties, and procedures, changes and additions to: SB 6211, SSB 6211

Oversight of comprehensive plan for water quality protection, duties: SB 6211, SSB 6211

Public corporation, authority to form, permissible purposes: *SHB 2482, CH 115 (1990)

Puget Sound foundation created, duties: SHB 2482

Restructuring, governor's request: SB 6416

Restructuring of membership, powers, and duties: *SHB 2482, CH 115 (1990)

PULLEN, FORMER SENATOR KENT

Letter of resignation p. 1

PUYALLUP BALLOU JUNIOR HIGH SCHOOL

SFR 1990-8730 p. 201

First place winners of 1989 national history day contest

introduced with Mr. Mark Vetter, their teacher p. 202

QUINN, JOSEPH F.

Reappointed member, public employment relations
commission, GA 9213 pp. 25,932

RADIATION

Health department, designation as state radiation control agency: *SB 6520, CH 173 (1990)

Liability coverage requirements, low-level materials handled under state license or permit: SB 6575, *SSB 6575, CH 82 (1990)

Low-level radioactive materials handled under state licenses or permits, liability coverage requirements: SB 6575, *SSB 6575, CH 82 (1990)

Low-level radioactive waste disposal, charges and fees: *SHB 2956, CH 21 (1990)
Nonionizing, department of health duties: *SB 6520, CH 173 (1990)

RADIO

Communications services provided by a regulated telecommunications company, exemption from regulation: *HB 2525, CH 118 (1990), SB 6512

RADIOLOGIC TECHNOLOGISTS

Regulation and licensing by department of health, extension of regulatory authority under provisions of sunset act: *SB 6210, CH 6 (1990)

RAILROADS

Crossing inspection fees to be set by rule of the utilities and transportation commission: SB 5555

Freight and passenger rail systems, program to maintain and improve: *SHB 1825, CH 43 (1990)

Holding tank dumping on right of way to be discontinued, request: *SJM 8003 (1990)

Rail freight assistance, high capacity transportation planning, and intercity passenger systems development: *SHB 1825, CH 43 (1990)

Rail line salvage, department of transportation may place conditions on: SHB 2649

Rapid transit rail system, Inland empire/puget sound super speed interconnect company to build and operate: SB 6442

Stampe Pass rail line, purchase by department of transportation: SB 6781

Track scales, testing equipment to be provided to department of agriculture: SB 5554, *SSB 5554, CH 27 (1990)

RASMUSSEN, SENATOR A. L. "SLIM"

Appointed financial institutions and insurance, law and justice, and rules committees pp. 11,12

Parliamentary inquiry, votes needed to pass, HB 2775 p. 1147

Parliamentary inquiry, time to raise scope and object, ESB 6411 p. 1572

Parliamentary inquiry, status of amendments ruled out of order by house, HB 2555 p. 1574

Point of order, free conference committee amendments to ESB 6411 p. 1611

REAL ESTATE AND REAL PROPERTY

Arbitrary and capricious government actions, action for damages by permit applicants: SB 6750

Brokerage commissions, withholding and release by closing agent: SB 6809, SSB 6809

Brokers and salespersons, licenses, disclosure of license required when selling personally held property: *SB 5487, CH 85 (1990)

Brokers, demand for withheld commission, form and procedure: SB 6809, SSB 6809

REAL ESTATE AND REAL PROPERTY—cont.

- Cities and towns, authorization of actions by private parties for appointment of receiver to manage privately held property, when allowed: SSB 6247
- Cities and towns may not authorize actions by private parties to appoint receivers to manage privately held property: SB 6247
- Classification of improvements to property, legislature may classify in any reasonable manner: SJR 8232
- Closing agent, withholding and release of brokerage commissions: SB 6809, SSB 6809
- Commissions, broker's demand for withheld commission, form and procedure: SB 6809, SSB 6809
- Comparable sales, valuation of real property for tax purposes, use discretionary: SB 6863
- Conservation areas, real estate excise tax authorized to fund acquisition of: SB 6639, *SSB 6639, CH 5 E1 (1990)
- Construction loans, management of and liability for proceeds: SB 6655
- Contract forfeitures, "cure the default" includes payment of attorneys fees: SB 6479
- Covenants running with land survive foreclosure for delinquent taxes: SSB 5285
- Current use classification applications, fees: HB 1771
- Excise tax, authority for cities and counties to impose additional tax on sales: HB 3036
- Excise tax, authorized uses for additional tax revenues enlarged: HB 3036
- Familial status, discrimination in transactions on account of prohibited: SHB 1746
- Guide dogs, discrimination prohibited in real estate transactions with physically disabled persons using: SB 5622
- Historic properties, current use valuation for tax purposes: SSJR 8212
- Immunity from civil liability for landowners who allow volunteer groups to use land: SB 5424
- Insurance, "actual cash value" and "cost of replacement" defined: SB 6887
- Land development activities, cities and towns may impose costs of public facilities on: SB 6429
- Land development registration applications to include provisions for power, gas, and telecommunications services: SB 6257
- Land development registration applications to include provisions for power, gas, telecommunications, and water services: SSB 6257
- Landowners, immunity from civil liability for volunteer groups allowed to use land: SB 5424
- Low-income housing, property used for to be valued at current use value for tax purposes: SJR 8212, SSJR 8212, 2SSJR 8212
- Permit applicants, action for damages for arbitrary and capricious acts of government agency: SB 6750
- Plats, power, gas, and telecommunications services availability to be shown: SB 6256
- Plats to include lot numbers and house addresses: SB 6254
- Plats, utility services, affidavit accompanying plat to show type, location, and whether connected for each service: SSB 6256
- Realtors, disciplinary action, cannot take referral fee from lending institution: HB 1646
- Realtors, referral fees, cannot be taken from lending institution: HB 1646
- Receivers to manage privately held property, cities and towns may not authorize actions by private parties to appoint: SB 6247
- Receivers to manage privately held property, when cities and towns may authorize action by private parties to appoint: SSB 6247
- Reciprocal insurance exchanges, authority to engage in real estate transactions: SHB 2515

REAL ESTATE AND REAL PROPERTY—cont.

- Recreational land owner's liability, state license or permit is not fee for purposes of section limiting liability: HB 2998, SB 6605
- Recreational landowners, limits on liability, recovery of costs of defending suit: SB 6495
- Revaluation of property for tax purposes: SB 6497
- Special assessments and taxes, deferral of, eligibility: SB 6759
- Subdivision of land wholly or partially within irrigation district: *HB 2473, CH 194 (1990), SB 6630
- Taking, establishing a process to determine whether a taking of private property has occurred: SB 6253, SB 6812
- Valuation, credit for non-portable personal property on which excise tax has been paid: SB 6232, SSB 6232
- Vesting of rights, majority rule adopted: SB 6860

RECORDING

- Hazardous substances releases, cleanup work, certificate of completion, recording in real property records: SB 6912
- Hazardous substances releases, recording in real property records, requirements: SB 6912

RECORDING OFFICER

- Recording systems, state advisory committee, membership and duties: SB 6459, SSB 6459
- Secretary of state designated state recording officer, duties: SB 6459, SSB 6459

RECREATION

- Land owner's liability, state license or permit is not fee for purposes of section limiting liability: HB 2998, SB 6605
- Landowners, limits on liability, recovery of costs of defending suit: SB 6495

RECYCLING

- Core deposits, excise tax on, clarification of definitions and terminology: SB 6653
- Motor freight carriers of recovered materials, regulation by utilities and transportation commission: *SSB 6700, CH 123 (1990)
- Motor freight carriers of recyclables, exemption from regulation by utilities and transportation commission: HB 2571, SB 6700
- Newspapers, use of recycled-content newsprint required: SB 6338
- Newsprint, programs to encourage recycling of: SB 6579, SSB 6579
- Oil, requirements: SHB 2569
- Preferential purchase of recycled paper products by department of general administration: SB 6340
- Recycled paper products, preferential purchase by state agencies: SB 6578, SSB 6578
- Recycling markets, committee, contracts, matching funds requirements: *SB 6577, CH 127 (1990)
- Recycling markets, committee on, matching state funds with private funds or in-kind service: HB 2663, SB 6842
- Recycling markets, committee, termination date extended: *SB 6577, CH 127 (1990)
- State parks, recycling receptacles to be placed in: SB 5783, SSB 5783
- Waste oil, transporting and processing: SHB 2569

REED, ASA

- Reappointed trustee, lower columbia community college district no. 13, GA 9186, confirmed pp. 22,135,557

REFRIGERATION AND AIR CONDITIONING

- Chlorofluorocarbon use restricted: SB 6428, SSB 6428
- Ozone depleting chemicals, regulation of use of: SHB 2414

RENO, JANE

Member, western state hospital advisory board, GA 9223 pp. 27,378

REPLEVIN

Procedure: *HB 2561, CH 227 (1990)

RESCUERS

Professional rescuer doctrine abrogated: SHB 2630

RESTAURANTS

Food donor immunity from civil liability, distribution of information regarding to food service establishments: SB 6619

RETAIL INSTALLMENT SALES

Motor vehicles, documentary service fees, inclusion in sale price: SHB 2940

RETIREMENT

Seattle, Tacoma, and Spokane city retirement systems may elect coverage under state employees' retirement systems: *HB 1323, CH 192 (1990)

RETIREMENT AND PENSIONS

Benefits, exemption of property from execution of out-of-state judgment for failure to pay that state's income tax on benefits: SB 6357, SB 6552

Employee benefit plan deemed a spendthrift trust: SB 6393, *SSB 6393, CH 237 (1990), SB 6448

Employee benefit plan, exemption from execution, attachment, or seizure: SB 6448

Employee benefit plan, exemption from garnishment, domestic support exception: SB 6393, *SSB 6393, CH 237 (1990)

Police officers killed or disabled in line of duty, increase in pension for surviving spouses: SB 6878

Property tax exemption for retired persons, qualifying income levels increased: SB 6186, SB 6505

Spousal maintenance obligation, mandatory assignment of retirement benefits, procedure: 2SHB 2154

Taxation of pensions, requesting that Congress allow taxation only by state of residency: *SJM 8018 (1990)

Third class cities and towns may not establish pension plan not administered by state after January 1, 1990: *SHB 3007, CH 212 (1990)

Towns and third class cities may not establish pension plan not administered by state after January 1, 1990: *SHB 3007, CH 212 (1990)

Towns, notification of state auditor required if pension plan not administered by state: *SHB 3007, CH 212 (1990)

RETIREMENT SYSTEMS, DEPARTMENT OF

Administrative fee, employers to pay standard fee, additional assessment for processing deficient reports: SHB 2642, SB 6594, *SSB 6594, CH 8 (1990)

Service credit information to be provided each member annually: SHB 2642, SB 6594, *SSB 6594, CH 8 (1990)

Survivorship options for disabled members of systems administered by department: *SHB 2643, CH 249 (1990), SB 6592

REVENUE, DEPARTMENT OF

Okamoto, Dennis I., appointed director, GA 9257 p. 723

Collection actions, examination and summons authority: SB 6843

Computer software, to conduct study on taxation of: *SSB 6859, CH 255 (1990)

Confidentiality of tax information, release to Canadian and United States agencies expanded: *HB 2343, CH 67 (1990), SB 6450

Corporations, acceptable proof of nonresident status for sales tax exemption, permit from department: SB 6350

REVENUE, DEPARTMENT OF—cont.

- Director shall not adopt rules that generally raise or lower taxes except as specifically provided by law: SB 6231
- Economic and revenue forecasting duties transferred to economic and revenue forecast council: *SSB 5206, CH 229 (1990)
- Electronic funds transfer payment of taxes required when tax exceeds specified amount: *SHB 2344, CH 69 (1990), SB 6753, SSB 6753
- Escheat property, application to administer, time limit to make: *SB 6394, CH 225 (1990)
- Escheat property, transfer to department for administration: *SB 6394, CH 225 (1990)
- Examination and summons authority, collection actions: SB 6843
- Rules shall not generally raise or lower taxes except as specifically provided by law: SB 6231
- Summons and examination authority, collection actions: SB 6843
- Tax information, release to Canadian and United States agencies expanded: *HB 2343, CH 67 (1990), SB 6450
- Taxpayer rights and responsibilities study: HB 2424

REVISED CODE OF WASHINGTON

- Common school provisions, reorganization of RCW title 28A: *HB 2276, CH 33 (1990)
- Title 28A, common school provisions, reorganization: *HB 2276, CH 33 (1990)

REWARDS

- Public lands and natural resources, authority to offer and pay for information concerning violations relating to: *SB 6727, CH 163 (1990)

RICE, CONSTANCE W.

- Trustee, The Evergreen State College, GA 9187, confirmed pp. 24,663,933

RICHARDSON, NORMAN F.

- Reappointed member, wildlife commission, GA 9188 p. 13

RINEHART, SENATOR NITA

- Appointed education, law and justice and rules committees pp. 11,12
- Statement for journal, removing name as sponsor of SB 6864 p. 318

RITCHEY, PETER

- Eagle scout of Olympia, introduced and addressed senate p. 380

ROADS AND HIGHWAYS

- Adopt-a-highway litter control program: HB 2514, *SSB 6649, CH 258 (1990)
- Adopt-a-highway signs, status and requirements for: SB 6649, *SSB 6649, CH 258 (1990)
- American veterans memorial highway, state portion of Interstate 90 renamed: SB 6361
- Cities, towns, and counties may elect to form street and road utility to construct and maintain: *SSB 6358, CH 42 (1990)
- County roads, vacation of road abutting body of water, resale to party from whom the county originally obtained property: SB 6900
- Edgestripping, cities and counties to place visible stripe at edge of certain paved roads: SSB 5491
- Edgestripping required on streets without curbs or sidewalks: SB 6302
- Emergency highway repair contracts, authority of transportation department to approve: *HB 2882, CH 265 (1990)
- Litter control, adopt-a-highway program: HB 2514, *SSB 6649, CH 258 (1990)
- Model traffic ordinance, updated provisions: SB 6360

ROADS AND HIGHWAYS—cont.

- Naches Pass tunnel construction: SB 6828
 Pacific Coast Highway Corridor consensus plan, request for federal strategy to develop: HJM 4024
 Right of way, driver crossing highway from private road must yield to vehicles lawfully approaching on highway: SB 6324
 Rights of way, reduction of pesticide use to control vegetation along, vegetation management task force created: SB 6194, SSB 6194
 "Road to Paradise," designation of state route 706 as: *SB 6777, CH 97 (1990)
 Route number 128, rerouting through Red Wolf crossing: *HB 2753, CH 108 (1990)
 Route 901 added to scenic and recreational highway system: SB 6426, *SSB 6426, CH 240 (1990)
 Rural highways, designation as state highways, criteria: *HB 1724, CH 233 (1990)
 Scenic and recreational highway system, additions, assessment and designation of, considerations: *SSB 6426, CH 240 (1990)
 Scenic and recreational highway system, state route 901 added: SB 6426, *SSB 6426, CH 240 (1990)
 School and private carrier buses, stopping for buses discharging or receiving passengers, when required: HB 2355, SB 6220, *SB 6303, CH 241 (1990)
 Solid waste collection vehicles, stopping on roadway permitted for collection purposes: HB 2722, SB 6612
 Speed limits, to be the same in both directions: SB 6279
 State highway designation, criteria: *HB 1724, CH 233 (1990)
 State highway system, road jurisdiction committee to study financial impact of changes, deletions, and additions to: *HB 1724, CH 233 (1990)
 State route 706, designation as the "Road to Paradise": *SB 6777, CH 97 (1990)
 Street utilities, creation and operation by cities and towns: SB 6824
 Street utility charges, cities and counties authorized to impose: *SB 6358, CH 42 (1990)
 Triple combination vehicle permits prohibited for operation on public highway: SB 6188
 Vacation of road abutting body of water, resale to party from whom county originally obtained property: SB 6900
 Vegetation management task force, membership and duties: SB 6194, SSB 6194
 Waste materials, loads transported on highway must be secured to prevent spillage: HB 1222, HB 2389, SB 6314, SSB 6314

ROBERTSON, THE REVEREND LAWRENCE R.

- Trustee, olympic community college
 district no. 3, GA 9224 p. 28

ROBINSON, G. S.

- Trustee, highline community college
 district no. 9, GA 9111, confirmed pp. 134,157

ROE, THOMAS

- Member, eastern state hospital advisory board,
 GA 9250 p. 565

ROLOFF, MARILEE

- Member, juvenile disposition standards commission,
 GA 9263 p. 1801

ROPER, JAMES

- Reappointed member, juvenile disposition standards
 commission, GA 9264 p. 1801

ROWLEY, ANNE ELIZABETH

- Apple blossom princess introduced p. 557

RULINGS AND REPLIES BY THE PRESIDENT (See also POINTS OF ORDER;
also PARLIAMENTARY INQUIRES)

| | |
|--|---|
| Rulings within scope | pp. 452,1189,1604,1612 |
| Rulings beyond scope | pp. 448,918,1100,1101,1308,1336,1416, 1423,1434,1641 |
| Reply to Senator Vognild, SSB 6314 on consent calendar | p. 473 |
| Reply to Senator Vognild, placement of amendments to SSB 6332 | p. 474 |
| Reply to Senator McCaslin, issue being debated, 2SSB 6834 | p. 542 |
| Reply to Senator Vognild, 2SSB 6352 properly before the senate | p. 558 |
| Reply to Senator McCaslin, question of floor time when debate limited | p. 840 |
| Reply to Senator Vognild, previous question stops all debate | p. 928 |
| Reply to Senator Wojahn, requests question on SFR 1990-8745 | p. 928 |
| Reply to Senator McDonald, question before the senate, SSB 6407 | p. 929 |
| Reply to Senator Nelson, votes needed to pass SB 6897 | p. 971 |
| Reply to Senator Rasmussen, votes needed to pass HB 2775 | p. 1147 |
| Reply to Senator Wojahn, regarding status of ESSB 5545 after house amendments ruled out of order | p. 1433 |
| Reply to Senator Rasmussen, time to raise scope and object, ESB 6411 | p. 1572 |
| Reply to Senator Rasmussen, status of amendments ruled out of order by House, HB 2555 | p. 1574 |
| Reply to Senator Talmadge regarding twenty-four hour rule on free conference committee report on EHB 2888 | p. 1657 |
| Reply to Senator Talmadge regarding votes needed to suspend rule 11 of joint rules, EHB 2888 | p. 1666 |
| Reply to Senator Vognild, pass SSB 6407 without resolution | p. 1687 |

RULINGS AND REPLIES BY PRESIDENT PRO TEMPORE (See also POINTS
OF ORDER; also PARLIAMENTARY INQUIRES)

| | |
|--|---------|
| Ruling within scope | p. 1148 |
| Ruling beyond scope | p. 1148 |
| Reply to Senator McCaslin on what banging of gavel means | p. 820 |
| Reply to Senator Vognild, votes needed to suspend rules and move ESSB 6799 back to second reading | p. 1082 |

RULINGS AND REPLIES BY VICE PRESIDENT PRO TEMPORE (See also
POINTS OF ORDER; also PARLIAMENTARY INQUIRES)

| | |
|---------------------|--------|
| Ruling within scope | p. 778 |
|---------------------|--------|

RURAL DEVELOPMENT

| |
|---|
| Land-use planning, comprehensive planning by state and local governments to achieve balanced economic development: SB 6860 |
| Rural economy improvement grant program: SB 6860 |
| Rural revitalization council, membership and duties: 2SSB 5872 |
| Rural revitalization interagency committee established: SSB 5872 |
| Rural revitalization pilot projects authorized, goals, application evaluation, administration, and activities: SSB 5872 |
| Rural revitalization projects: 2SSB 5872 |
| Service delivery task force, membership and duties: SHB 2929 |
| State-wide economic growth, rural-urban linkages: SHB 2929 |
| Washington state economic diversification council created, organization and duties: SB 6766 |
| Washington state economic diversification project: SB 6766 |

RURAL HEALTH

- Certificates of need, rural hospitals exempt from some requirements: SB 5180, SSB 5180, SSB 6145
- Cross-credentialing of rural health professionals where shortages exist: SSB 6145
- Facility licensure model: SSB 5179, SSB 6145
- Health professional loan repayment program for those working in health care shortage areas: 2SSB 5182, SSB 6145
- Health professional temporary substitute resource pool: SHB 2566, SB 6418, SSB 6418, *2SSB 6418, CH 271 (1990)
- Hospital rates, exemption from requirement of approval by state hospital commission: SSB 6145
- Hospitals, exemption from some certificate of need requirements: SB 5180, SSB 5180, SSB 6145
- Insurance, availability and coverage, insurance commissioner to make recommendations: *2SSB 6418, CH 271 (1990)
- Licensure of rural health facilities, regulatory model to be developed: SSB 5179, SSB 6145
- Loan forgiveness for health professionals working in rural areas: 2SSB 5182, SSB 6145
- Rural health care service arrangements: SHB 2566, SB 6418, *2SSB 6418, CH 271 (1990)
- Rural health system project established, organization and duties: SSB 6145
- Rural health system project to provide financial and technical assistance: 2SSB 5177
- Rural hospital defined: SSB 5178, SSB 6145
- Rural physician and midwife scholarship program: SHB 2566, SB 6418
- Rural physician, pharmacist, and midwife scholarship program: *2SSB 6418, CH 271 (1990)
- Training for rural practice, higher education coordinating board to develop plan: SSB 5175, SSB 6145
- Washington rural health system project established, organization and duties: SSB 6145

RUSSELL, MARK

- Political humorist introduced and entertained senate p. 158

RYAN, JAMES F.

- Reappointed member, investment board, GA 9143,
confirmed pp. 29,574,668

SALING, SENATOR GERALD L. (JERRY)

- Appointed higher education, chair; economic development
and labor, and ways and means committees pp. 11,12

**SALMON (See also FISHERIES, DEPARTMENT; FISHING, COMMERCIAL;
FISHING, RECREATIONAL)**

- Columbia river recreational salmon and sturgeon fishing, improvement actions:
SB 6788
- Regional fisheries enhancement group advisory board, membership and duties:
SB 6310, SSB 6310, *2SSB 6310, CH 58 (1990)
- Regional fisheries enhancement groups, organization and funding: SB 6310, SSB
6310, *2SSB 6310, CH 58 (1990)
- Sale of salmon taken in test fishing operations authorized: *HB 2294, CH 36 (1990)

SAVINGS AND LOAN ASSOCIATIONS

- Consolidation of regulatory functions, joint select committee to study creation of
new state agency: SSB 6371
- Financial institutions, department of, creation, organization, and duties: SB 6371

SCENIC RIVER SYSTEM

- Cooperation with local and federal governments and private owners, management techniques and policies: SB 6666
- Rivers added to system: 2SHB 1291, SB 6666
- Staff contact person to be designated for each designated river, duties: SB 6666
- Wild and scenic rivers, federal program, procedure for seeking to have river in state system included in: 2SHB 1291

SCHENCK, INGE MARIE

- Lakelair queen introduced and welcomed senators to Olympia p. 64

SCHIANTARELLI, VICTOR

- Consul general of Peru introduced p. 252

SCHOOLS AND SCHOOL DISTRICTS

- Achievement tests, student: SB 6903
- AIDS education, curriculum criteria: SB 6273
- AIDS education, local districts to have exclusive control over curriculum: SB 6273
- All kids can learn incentive grants, eligibility for: *SHB 2375, CH 148 (1990)
- "Annual leave" defined for district leave sharing programs: SB 6452, *SSB 6452, CH 23 (1990)
- Annual report of district: SB 6903
- Assessment program, high school and beyond, eighth and eleventh grade assessments to be conducted: SB 6221, *SSB 6221, CH 101 (1990)
- Associate instructor teaching classification: SB 6643
- Athletes, mentor athletes program: SB 6688
- Basic education moneys, authority for superintendent of public instruction to withhold from districts owing repayment of moneys to the federal government: *SB 6224, CH 103 (1990)
- Before and after school child care program: 2SHB 2471
- Before and after school child care program created, eligibility for grants: SB 6217
- Bicycle safety education for children in grades K-6: SB 6427
- Bond proceeds for facility construction and modernization, limits on use for fixtures not a part of construction project: SHB 2914
- Braille, districts to develop policies regarding instruction in: SSB 5083
- Breakfast program for districts containing severe need schools, planning and implementation: SHB 1601
- Building-based incentive grant program: SB 6864
- Buildings, seismic safety inspections, requirements: SB 6227
- Bus drivers, assault on, penalties: SB 6255, *SSB 6255, CH 236 (1990)
- Buses, marking requirements: HB 2355, SB 6220, *SB 6303, CH 241 (1990)
- Buses, plan to phase out pre-1977 buses: SSB 6184
- Buses, required to comply with federal safety standards: SB 6184, SSB 6184
- Buses, safety procedures: SSB 5149
- Buses, stopping for buses discharging or receiving students, when required: HB 2355, SB 6220, *SB 6303, CH 241 (1990)
- Buses, to serve each side of divided or multiple-lane highway separately so students need not cross highway: HB 2355, SB 6220, *SB 6303, CH 241 (1990)
- Child care grant program: 2SHB 2471
- Citizens' committee on quality schools: SB 6903
- Class size, twenty-five students per teacher limit in grades kindergarten through three: HB 1865
- Classified staff, excellence in education program expanded to include: *HB 2265, CH 77 (1990)
- Classroom management, in-service training program: SB 6532
- Collaborative projects with colleges and universities, board of education to develop program: SB 5519

SCHOOLS AND SCHOOL DISTRICTS—cont.

- Commercial promotional activity on school premises, contracts or agreements with district restricted: SB 6896
- Commercial promotional activity on school premises restricted: SB 6896
- Common school construction fund, constitutional amendment to allow for retirement of bonds from fund: SJR 8222, SSJR 8222
- Common school provisions, reorganization of RCW title 28A: *HB 2276, CH 33 (1990)
- Common school trust lands, transfer to other public agencies, conditions: SB 6831
- Community colleges, enrollment of eleventh and twelfth grade students in: SB 6438, SSB 6438
- Compensation improvement and maintenance plan, study requirements: SB 6864
- Construction and modernization, limit on use of bond proceeds for fixtures not a part of the construction project: SHB 2914
- Construction and modernization, limits on use of levies for fixtures not a part of the construction project: SHB 2914
- Construction and renovation of schools, exemption from prevailing wage law: SB 6902
- Construction, authority to use local assistance funds for: SB 6378
- Construction projects, revenue from termination of sales tax exemptions on candies and sweets to go to: SB 6313
- Continuing education requirements, educational staff, acceptance of out-of-state courses: HB 2560
- Cooperative vocational education grant program: SB 6222
- Counseling, agreements to reduce suspension period if student participates in, district liability for costs: SB 6533
- Counseling, prevention, and intervention services for elementary students: SB 6352, SSB 6352
- Crossing guards, adult guards at heavily-traveled sites: SSB 5149
- Cultural diversity in-service training grant program, applications and eligibility for grants: SHB 1814
- Day care, on-site day care may be provided for educational employees: SSB 5522
- Directors, board to adopt policies on parental objection to student's participation in program or class: SB 6609, SSB 6609
- Directors, board to adopt policies on public records and review of educational materials: SB 6609, SSB 6609
- Directors, interested contracts, when district or associated students let contract in which board member has a beneficial interest: HB 2911, SB 6873
- Directors, second class districts, combination of director districts and at-large director districts authorized: *SSB 5013, CH 161 (1990)
- Dispute resolution and creative problem solving, model curriculum: SB 6481
- District annual report: SB 6903
- Drop-out prevention and retrieval programs, funding for: SB 6914
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses: SB 6174, SSB 6174
- Earthquake, asbestos, and radon safety in public school buildings, reporting and cost estimate requirements: SB 6875
- Earthquake emergency procedure, each district to establish: SB 6227
- Earthquake preparedness policy, requirements: SB 6714, SB 6875
- Educational materials review, board of directors to adopt policies on: SB 6609, SSB 6609
- Educational restructuring, building-based incentive grant program: SB 6864
- Educational service district boards, authority to borrow for purchases of real or personal property: *SHB 2378, CH 159 (1990)
- Educational service district boards, sale or purchase of real property, subject to rules of state board of education: *SHB 2378, CH 159 (1990)

SCHOOLS AND SCHOOL DISTRICTS—cont.

- Educational service districts, post-retirement medical benefits may be provided as compensation for unused sick leave: SB 6555
- Educational staff continuing education requirements, acceptance of out-of-state courses: HB 2560
- Elementary schools, adult crossing guards at heavily-traveled sites: SSB 5149
- Eleventh grade assessment, content of examination: SHB 1741
- Employee health care benefits, basic benefits and employer contributions: *SHB 2230, CH 11 E1 (1990)
- Employee health care benefits, standards, three phase implementation: SHB 2230
- Employment contracts with superintendent or administrator, expiration date: SHB 2642, SB 6594, *SSB 6594, CH 8 (1990)
- Employment, persons who have caused a minor to commit a criminal act, employment prohibited for at least three years: SSB 6807
- Employment, persons who have caused a minor to commit a felony, employment prohibited: SB 6807
- Energy information program established: SSB 5835, *2SSB 5835, CH 301 (1990)
- Enrollment options programs: SB 6469
- Enrollment options programs, school improvement assistance: SB 6733, SSB 6733
- Excellence in education program, program expanded to include classified staff: *HB 2265, CH 77 (1990)
- Fair start program created: SB 6352, SSB 6352
- Freedom of expression for students granted, conditions and limitations: SB 6482
- Full service schools pilot project: SB 6886
- Funding, enhanced funding request for districts in which twenty or more native languages are spoken: SB 6483
- Habits and values testing, by parental consent only: SB 6598
- Health benefits for employees under school service contracts: HB 2466
- Health care benefits for school employees, basic benefits and employer contributions: *SHB 2230, CH 11 E1 (1990)
- Health care benefits for school employees, standards, three phase implementation: SHB 2230
- Health education, comprehensive program, curriculum requirements: SB 6480
- Health insurance, may be required as condition of participation in interschool activities: *HB 2959, CH 74 (1990)
- Health insurance plans, participation by retired or disabled school or educational service district employees: SB 6885
- High school and beyond assessment program, eighth and eleventh grade assessments to be conducted: SB 6221, *SSB 6221, CH 101 (1990)
- High school credit for high school course taken in seventh and eighth grade: HB 2626
- Homeless education grant program created, grant application requirements: 2SHB 2359, SB 6218, SSB 6218
- Impact fees for capital construction and renovation, authority of schools and local governments to impose: SB 6656
- Indebtedness, authority to contract: HB 2707
- Interested contracts, when district or associated students let contract in which board member has a beneficial interest: HB 2911, SB 6873
- Interschool activities, health insurance as condition of participation: *HB 2959, CH 74 (1990)
- Junior high and middle school students to be included in mathematics, engineering, and science achievement program: *HB 2413, CH 286 (1990), SB 6193, SSB 6193
- Kindergarten through grade three, class size limit, twenty-five students per teacher: HB 1865
- Languages, twenty or more native languages spoken, enhanced funding request by superintendent of public instruction: SB 6483

SCHOOLS AND SCHOOL DISTRICTS—cont.

- Learning by choice program: *2SHB 2379, CH 9 E1 (1990), SB 6469
- Learning disabilities, methods of responding to students with, in-service training program: SB 6532
- Lease or rental of surplus real property, recapture provision required except when proximity to international airport negates further school use: *SSB 6681, CH 96 (1990)
- Lease or rental of surplus real property, recapture provision required, exceptions: SSB 6681
- Lease or rental of surplus real property, recapture provision required unless there is no future need for school in the area: SB 6681
- Leave sharing programs, "annual leave" defined: SB 6452, *SSB 6452, CH 23 (1990)
- Local assistance funds, authority to use for school construction: SB 6378
- Magnet school program, eligibility for financial assistance to eliminate minority group isolation in public schools: SHB 2517, SB 6171, SSB 6171
- Magnet schools, school improvement assistance: SB 6733, SSB 6733
- Mathematics, engineering, and science achievement program, middle and junior high school students to be included in: *HB 2413, CH 286 (1990), SB 6193, SSB 6193
- Mentor athletes program: SB 6688
- Middle and junior high school students to be included in mathematics, engineering, and science achievement program: *HB 2413, CH 286 (1990), SB 6193, SSB 6193
- Minority groups, elimination of discrimination and segregation, school improvement assistance: SB 6733, SSB 6733
- Minority students, magnet school program, eligibility for financial assistance to eliminate isolation in public schools: SHB 2517, SB 6171
- Nutritional guidelines, superintendent of public instruction to develop: SB 6485
- Out-of-state courses, acceptance for educational staff continuing education requirements: HB 2560
- Pacific Rim language scholarship program, selection of students for scholarships: *SSB 5450, CH 243 (1990)
- Pacific Rim languages, districts encouraged to develop exchange programs with Pacific Rim nations: *SSB 5450, CH 243 (1990)
- Parental objection to student participation in program or class, board of directors to adopt policies on: SB 6609, SSB 6609
- Parent's bill of rights: SB 6903
- Parent-teacher partnership task force, membership and duties: HB 2618
- Pay equity and job analysis, school and educational service district assessment project: HB 1406
- Prevailing wage law, exemption for school construction and renovation: SB 6902
- Productivity task force, membership and duties: SB 6864
- Professional development center grants, applications: SB 6484
- Property tax levies for school facility construction and modernization, limits on use for fixtures not a part of the construction project: SHB 2914
- Public employee tutor program: SB 6486
- Public records, board of directors to adopt policies on: SB 6609, SSB 6609
- Quality schools act: SB 6903
- Quality schools, citizens' committee on: SB 6903
- Ratio of certificated staff to students, to be increased over ten years: SB 6584
- Real property, surplus, lease or rental, recapture provision required except when proximity to international airport negates further school use: *SSB 6681, CH 96 (1990)
- Real property, surplus, lease or rental, recapture provision required, exceptions: SSB 6681

SCHOOLS AND SCHOOL DISTRICTS—cont.

- Real property, surplus, lease or rental, recapture provision required unless there is no future need for school in the area: SB 6681
- Residence of eighteen-year-old students for purposes of school assignment: HB 1156
- Retired or disabled employees, participation in health insurance plans of school or educational service district: SB 6885
- Running start program: *2SHB 2379, CH 9 E1 (1990), SB 6469
- Salary increases: SB 6892
- School and educational service district pay equity and job analysis assessment project: HB 1406
- School assignment, residence of eighteen-year-old students: HB 1156
- School benefit programs, development and adoption of: SB 6656
- School construction and modernization, authorization to issue general obligation bonds to fund: SB 6278
- School directors' association, authority to employ director and to compensate officers: HB 2761
- School directors' association contract filing requirements: HB 1158
- School directors' association existence extended: HB 1158
- School directors' association, power to employ director and to provide compensation employees and association officers: HB 2761
- School facility construction project and modernization, limits on use of levy for fixtures not a part of the construction: SHB 2914
- Scoliosis screening, to be performed annually on students in grades 5, 7, and 9: SSB 6223
- Scoliosis screening, to be performed on students in grades six and eight: SB 6223
- Second class districts, directors, combination of director districts and at-large director districts authorized: *SSB 5013, CH 161 (1990)
- Second class districts may return to electing directors at-large: SSB 5013
- Seismic safety inspection requirements: SB 6227
- Service contracts, health benefits for employees under: HB 2466
- Seventh and eighth grade, high school credit for high school course taken while in: HB 2626
- Sign language, course in American sign language satisfies foreign language requirement: SB 6635
- Special needs schools, financial grant program: SB 6733, SSB 6733
- Student achievement tests: SB 6903
- Student assessment program, high school and beyond, eighth and eleventh grade assessments to be conducted: SB 6221
- Student enrollment options programs: *2SHB 2379, CH 9 E1 (1990), SB 6469
- Student suspensions, agreements to reduce if student participates in counseling, district liability for costs: SB 6533
- Student transportation safety, interim task force on, extension of expiration date: *HB 2694, CH 4 E1 (1990)
- Suspension of student, agreement to reduce if student participates in counseling, district liability for costs: SB 6533
- Teachers, performance-based compensation: SB 6903
- Teachers, uncertificated, employment, conditions: SB 6476
- Testing, psychological or values, by parental consent only: SB 6598
- Title 28A RCW, Common school provisions, reorganization: *HB 2276, CH 33 (1990)
- Tobacco, use on school ground prohibited, exceptions: HB 2406
- Transportation vehicle fund, deposit with county treasurer: HB 2707
- Twenty or more native languages spoken, enhanced funding request by superintendent of public instruction: SB 6483
- Uncertificated teachers, employment, conditions: SB 6476
- Values and habits testing, by parental consent only: SB 6598
- Vocational education, cooperative vocational education grant program: SB 6222

SCHOOLS AND SCHOOL DISTRICTS—cont.

Voter registration of high school students: HB 1109

SCHWEDENBERG, HELEN

Member, western state hospital advisory board,

GA 9225 pp. 28,378

SCHWEITZER, GEORGE

Trustee, clark community college district no. 14,

GA 9189, confirmed pp. 16,250,558

SCHWERIN, DON

Reappointed trustee, Walla Walla community college

district no. 20, GA 9190, confirmed pp. 21,663,952

SCULL, ELIOT W.

Reappointed member, interagency committee for

outdoor recreation, GA 9191 p. 16

SEA GRANT PROGRAM

Southern Puget Sound water quality, local field agent duties, matching fund requirements: SB 6326, *SSB 6326, CH 289 (1990)

SEA URCHINS

Endorsements, issuances and renewals: *HB 2868, CH 62 (1990)

SEABORN, RICHARD

Consul of Canada introduced p. 252

SEALS AND SEA LIONS

Removal or destruction of those preying on salmon and steelhead authorized: SSB 5533

SEARCH AND SEIZURE

Drug-related real and personal property subject to seizure and forfeiture, revised provisions: SB 6204

SEATTLE

Rapid transit rail system between Moses Lake and: SB 6442

SEATTLE COMMUNITY COLLEGE DISTRICT NO. 6

Dr. Carver C. Gayton, trustee, GA 9207,

confirmed pp. 24,663,1902

SECRETARY OF STATE

Message on certification of appointment of

Senator Mike Patrick p. 2

Message on certification of state measures in 1989

general election p. 34

Message on provisional certification of initiative to

the legislature no. 109 p. 35

Message on governor's partial veto of 1989 senate bills,

RESSB 5373, ESSB 5352, SSB 5521, ESB 6152 p. 36

Message on non-certification of initiative to the

legislature no. 109 p. 174

Transmitting governor's partial veto of 2SSB 6259 p. 1494

Transmitting governor's partial veto of SSB 6698 p. 1819

Transmitting governor's partial veto of SB 6399 p. 1824

Transmitting governor's partial veto of SB 6574 p. 1827

Transmitting governor's partial veto of SSB 6729 p. 1835

Transmitting governor's partial veto of SSB 6663,
2SSB 6664, SSB 6306, SSB 6190, 2SSB 5882 p. 1870

Transmitting governor's proclamation convening second

special session p. 2027

SECRETARY OF STATE—cont.

| | |
|---|---------|
| Transmitting governor's veto of SB 6114 and SB 6253 | p. 2030 |
| Transmitting governor's partial veto of SB 5371, 2SSB 5835, SB 6292, SSB 6407, SB 6408, SSB 6417 | p. 2031 |
| Archivist, state, rulemaking authority, optical, photographic, or electronic imaging of records: SB 6899 | |
| Interlocal cooperation agreements need not be filed with: HB 1223 | |
| Public benefit nonprofit corporations, duties in regard to: SB 5544 | |
| Public records, optical, photographic, or electronic imaging, rulemaking author- ity of state archivist: SB 6899 | |
| Recording officer, designation for state, duties: SB 6459, SSB 6459 | |
| Recording systems, state advisory committee, membership and duties: SB 6459, SSB 6459 | |

SECURITIES

| | |
|--|--|
| Consolidation of regulatory functions, joint select committee to study creation of new state agency: SSB 6371 | |
| Financial institutions, department of, creation, organization, and duties: SB 6371 | |
| Offerings, exemption of small offerings from registration: SB 6437 | |
| Registration, exemption of small offerings from requirements, conditions: SB 6437 | |

SECURITY INTERESTS

| | |
|--|--|
| Agricultural liens, central filing system: SB 6565 | |
| Crops, central filing system: SB 6501, SSB 6501 | |
| Mobile homes, liability of secured parties to landlord for rent and expenses upon default of tenant: *HB 2272, CH 169 (1990), SB 6739 | |
| Real property interests, perfection of interest by recording, effective even if recorded prior to July 23, 1989: SB 6754 | |

SEDYKH, YURI

| | |
|--|--------|
| Soviet athletic participant in goodwill games introduced and addressed senate | p. 160 |
|--|--------|

SEINFELD, DENNIS

| | |
|---|-----------------|
| Reappointed trustee, Tacoma community college district no. 22, GA 9192 | pp. 21,226,1095 |
|---|-----------------|

SELECT COMMITTEE REPORTS

| | |
|---|-------|
| Regarding the crime of residential burglary | p. 29 |
| Report on child care | p. 30 |
| Presumptive medicaid eligibility for pregnant women | p. 31 |
| Offenses committed by juveniles while on escape, authorized leave, or minimum security status | p. 31 |
| Proposed plan for the provision of inpatient skilled nursing care for medically fragile children | p. 31 |
| Foster parent liability and insurance | p. 32 |
| Study of insurance benefits provided to K-12 school employees | p. 32 |
| Medicaid personal care program | p. 33 |
| Medicaid hospice benefit | p. 33 |
| Washington state and employees higher education opportunities program | p. 33 |
| Use of title XIX in the mental health system | p. 34 |
| Recycling markets | p. 34 |
| Recruitment of adoptive and foster homes | p. 42 |
| Puyallup tribal settlement appropriation | p. 42 |
| Washington economic development finance authority | p. 43 |
| Waste not Washington act | p. 67 |
| Mental health human resources | p. 68 |
| Washington marketplace | p. 96 |

SELECT COMMITTEE REPORTS—cont.

| | |
|---|---------|
| Washington investment opportunities office | p. 97 |
| Biotechnology targeted sector advisory committee and food processing targeted sector advisory group | p. 97 |
| Process and impact of the family independence program | p. 98 |
| 1988 public forums on racial/ethnic bias in the state court system | p. 118 |
| Risk assessment legislative report | p. 118 |
| Service enhancement by expenditure shifting (SEBES) | p. 119 |
| Washington basic health plan | p. 119 |
| Future status of division of juvenile rehabilitation program and facilities | p. 120 |
| Final report on the Washington marketplace | p. 147 |
| Washington economic development finance authority report | p. 278 |
| Federal court ordered expenditures for calendar year 1989 | p. 1369 |
| Transportation policy plan for Washington state, 1990 | p. 1370 |
| Displaced homemaker program | p. 1808 |
| Annual report of public employment relations commission | p. 1820 |
| Availability of federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities | p. 2028 |
| Public safety and education account | p. 2028 |

SELECTIVE SERVICE

| | |
|--|--|
| Enrollment required as condition of receiving financial aid at state college or university: SB 6625, SSB 6625 | |
|--|--|

SELLAR, SENATOR GEORGE L.

| | |
|--|-----------|
| Appointed financial institutions and insurance, rules and transportation committees | pp. 11,12 |
| Notice for reconsideration of ESB 6671 | p. 502 |

SENIOR CITIZENS

| | |
|---|--|
| Civil case preference accorded party at least seventy years old: SB 6699 | |
| Docket priority in civil cases for parties over seventy years of age or terminally ill: HB 2460 | |
| Extended-family care act: SB 6454 | |
| Group fishing permits, issuance to licensed care facilities for the physically or mentally handicapped or senior citizens: *SHB 2293, CH 35 (1990) | |
| Property tax exemptions and deferrals, formula for determination of exemption amount: SB 6874 | |
| Retired senior volunteer programs, appropriation and distribution of funds to: SB 6166 | |
| Retired senior volunteer programs, distribution of funds to: SSB 6166 | |
| Single family residences, conversion to include separate units for use by relatives within existing space allowed: SB 6454 | |
| Specialized transportation services account: SB 6894 | |
| Transportation, appropriation to provide specialized transportation services for: SB 6894 | |

SENTENCING

| | |
|---|--|
| Boot camp program for first-time offenders, pilot program: SB 6595 | |
| Confinement, place of, for sentences over six months: SB 5278, SB 5321 | |
| Death penalty, delivery of schedule I or II controlled substances, offenses com- mitted on or near school grounds: SB 6631 | |
| Death penalty to be imposed for serious drug offenses: SB 6177 | |
| Driving while intoxicated, community service options: SB 6793 | |
| Drug crimes, cancellation of license plates and registration, revocation of driver's license: SB 6596 | |

SENTENCING—cont.

Drug crimes, penalties increased: SB 6596

Drug crimes, sentence to be increased by one hundred twenty-four months when firearm is used: SB 6317

Drug offenses, death penalty to be imposed for serious drug offenses: SB 6177

Firearms, sixty months to be added to sentence when offender or accomplice was armed: SB 6318, SSB 6318

Firearms use in drug crime, sentence to be increased by one hundred twenty-four months: SB 6317

Governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)

Governor's community protection act, technical amendments: *SB 6906, CH 12 E1 (1990)

Juvenile offenders, residential burglary, punishment and supervision options: SB 6841, SSB 6841

Misdemeanors, uniform penalties: SB 6751

Rape in the first degree, five year minimum term of confinement: SB 6286

Reckless driving, penalties increased: *2SSB 5882, CH 291 (1990)

Residential burglary, calculation of offense score for: SB 6236

Residential burglary, juvenile offenders, punishment and supervision options: SB 6841, SSB 6841

Sex offenders, castration, voluntary, sentence imposed to be no more than twenty-five percent of presumptive sentence: SB 6332, SSB 6332

Sex offenders, maximum treatment periods under suspended sentence alternative: SB 6282

Sex offenders, sentence reduction for castrated offenders authorized: SB 6309

Sexual motivation, governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)

Sexually dangerous offenders sentence review board, membership and duties: SB 6205

Sexually dangerous offenders, sentencing and release procedures: SB 6205

Sexually violent offenses, governor's community protection act, application date: *SB 6906, CH 12 E1 (1990)

SENTENCING GUIDELINES COMMISSION

Arthur D. Curtis, reappointed member,

GA 9156, confirmed pp. 18,309,469

Ruta E. Fanning, member, GA 9160, confirmed pp. 18,309,576

Marcus M. Kelly, member, GA 9173, confirmed pp. 18,309,633

Judge Donald H. Thompson, reappointed member, GA 9201 pp. 18,309

SERVICE CORPS

Administrative costs, limitations on total costs, formula for determining average cost per enrollee: *HB 2289, CH 71 (1990)

SERVICE STATIONS

Facilities, required to provide air, water, window-washing, and toilet facilities: SB 6835

SEWAGE

On-site system permits, health boards cannot condition on membership in local improvement district: SSB 5135

SEWER DISTRICTS

Benefits for commissioners and employees: SHB 2539

Electorate expansion in districts with fifty or fewer residents, procedure: SB 5900

Leases, security deposit in lieu of bond on leased real property: SHB 2539

SEWERS

Charges, alternative lien and foreclosure process, cities and towns: SHB 2544

SEWERS—cont.

- Cities and towns may compel property owners outside city limits to connect to sewer: SHB 1979
- Design or installation of on-site sewers, certification and licensing of persons authorized to conduct: SB 6783
- Inspections, public utility districts, authority to conduct: *SHB 2708, CH 107 (1990)
- On-site, design or installation, certification and licensing of persons authorized to conduct: SB 6783

SEX DISCRIMINATION

- Golf clubs, open space classification not available to private club engaging in: SB 6280

SEX OFFENDER THERAPISTS

- Advisory board, membership and duties: SB 6283
- Certification program development, requirements: *2SSB 6259, CH 3 (1990)
- Regulation and certification of: SB 6283

SEX OFFENDERS

- Castration for conviction of rape in the first degree or rape of a child in the first degree: SB 6309
- Castration, voluntary, sentence imposed to be no more than twenty-five percent of presumptive sentence: SB 6332, SSB 6332
- Child pornography, blue ribbon panel on special sexual offender sentencing alternatives to consider whether offenders should be eligible for treatment: *SHB 2752, CH 155 (1990)
- Community notification, governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)
- Early release credit, not to exceed fifteen percent of sentence: SB 6644
- Governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)
- Governor's community protection act, technical amendments: *SB 6906, CH 12 E1 (1990)
- Inpatient treatment for up to standard range of confinement under suspended sentence alternative: SB 6282
- Juvenile offenders, task force to study treatment methods and programs for, membership and duties: SB 6284
- Juvenile offense records, expungement or sealing prohibited: SB 6285
- Mentally disordered sexually dangerous persons, commitment and release of, procedures: SB 6208
- Outpatient treatment for up to five years under suspended sentence alternative: SB 6282, SB 6286
- Post-release periodic follow-up for duration of offender's life: SB 6286
- Rape in the first degree, five year minimum term of confinement: SB 6286
- Registration, governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)
- Registration of convicted sexual offenders, relief from obligation, notice and acknowledgement requirements: SB 6206
- Registration requirements: SB 6281
- Registry, state patrol to maintain central registry, release of registry information: SB 6287
- Sentencing and release of sexually dangerous offenders, procedures: SB 6205
- Sexually dangerous with person under eighteen other than lawfully wedded spouse unlawful: SB 6273
- Sexual predators, governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)
- Sexually dangerous offenders, sentencing and release procedures: SB 6205
- Sexually violent offenses, sentencing provisions, application date: *SB 6906, CH 12 E1 (1990)
- Treatment standards: SB 6283

SHARP, KATHRYN A.

Member, eastern state hospital advisory board, GA 9256 p. 576

SHARPE, PHILIP, JR.

Trustee, Whatcom community college district no. 21, GA 9226 p. 28

SHELLFISH

Divers, commercial shellfish divers, certification and safety requirements: SHB 2452

Geoduck recreational harvesting areas created: SSB 5479

Geoducks sales, department of natural resources, sale to highest responsible bidder: 2SHB 1624

Sea cucumber fishing, endorsement to commercial shellfish diver license required: *HB 2291, CH 61 (1990)

Wrongful taking, liability for damages at double or treble the fair market retail value: *SB 6727, CH 163 (1990)

SHERIFFS

Search and rescue fund, reimbursement for search and rescue expenses: SB 6038

Sexual offenders, registration of convicted sexual offenders, sheriffs' duties: SB 6206

SHORELINE COMMUNITY COLLEGE DISTRICT NO. 7

Cherry McGee Banks, reappointed trustee.

GA 9144, confirmed pp. 20,574,664

SHORELINE SCHOOL DISTRICT

SFR 1990-8723 p. 63

Students acting for the environment (SAFE) introduced p. 64

SHORELINE HEARINGS BOARD

Wetlands permits actions, appeals to board: SB 6907

SHORELINE MANAGEMENT

Floating marine fin fish task force, membership and duties: SHB 2892

Geotechnical exploration activity, when allowed: SB 6268

Public agencies seeking substantial development permits, procedures: SB 6268

Substantial development permits, procedures for public agency seeking: SB 6268

Utility extensions, substantial development permits, expedited review: *SB 6741, CH 201 (1990)

SIGN LANGUAGE

American sign language course satisfies college foreign language admission requirement: SB 6635

American sign language course satisfies public school foreign language requirement: SB 6635

SILVAS, JOSE R.

Member, eastern state hospital advisory board, GA 9251 p. 565

SIMS, JAMES M.

Appointed, administrator for pollution liability

reinsurance program, GA 9193, confirmed pp. 17,575,665

SLUDGE

Agricultural areas, director of department of agriculture to study sludge and waste disposal in: HB 2333

Agricultural products, labeling of products grown or processed with: SB 6705

Land application, permit requirements: SB 6363

Landspreading, regulation, permit process: SB 6173

Strict liability imposed on persons for damages resulting from sludge dispersal: SB 6363

Unlawful sludge dispersal: SB 6363

SMALL BUSINESS EXPORT FINANCIAL ASSISTANCE CENTER BOARD OF DIRECTORS

| | |
|--|------------|
| Jeanne Cobb, member, GA 9231 | pp. 46,932 |
| D. G. Hendricks, reappointed member, GA 9232 | pp. 46,932 |
| Robert A. Levin, member, GA 9233 | p. 46 |
| Penelope Peabody, member, GA 9234 | p. 47 |
| John B. L. Pierce, member, GA 9259 | p. 1602 |
| Kris Kelly-Watkins, member, GA 9260 | p. 1602 |
| Isabelle Lamb and Kenneth Keach, members introduced to Senate | p. 63 |
| Eugene Lawson, vice chairman of US export-import bank addressed senate | p. 63 |

SMALL BUSINESSES

| | |
|---|--|
| Health care benefits, basic group plan for employers of fewer than one hundred employees: SB 6834 | |
| Health care benefits, basic group plan for employers of fewer than twenty-five employees: *SB 6834, CH 187 (1990) | |
| Small business administration's 7(a) loan guaranty program, lender participation: SSB 5647 | |

SMALL CLAIMS COURT

| | |
|--|--|
| Dispute resolution centers, filing fee surcharge authorized to fund: *SSB 6499, CH 172 (1990) | |
| Filing fees, surcharge authorized to fund dispute resolution centers: *SSB 6499, CH 172 (1990) | |

SMALL WORKS ROSTER

| | |
|---|--|
| Irrigation districts may use on projects of less than one hundred thousand dollars: *SHB 1394, CH 39 (1990) | |
| Local government, uniform process to award contracts established: SHB 2992 | |

SMIGUN, GEOFFREY

| | |
|------------------------------------|--------|
| Eagle scout presented colors | p. 380 |
|------------------------------------|--------|

SMITH, ANDREW V.

| | |
|--|-----------------|
| Member, board of regents, University of Washington, GA 9194, confirmed | pp. 22,250,1438 |
|--|-----------------|

SMITH, SENATOR LINDA A.

| | |
|---|-----------|
| Appointed children and family services, chair; health and long-term care, vice chair; ways and means committees | pp. 11,12 |
|---|-----------|

SMITH, SHIRLEY A.

| | |
|---|-------|
| Appointed director, department of services for the blind, GA 9195 | p. 14 |
|---|-------|

SMITHERMAN, SENATOR BILL

| | |
|---|-----------|
| Appointed economic development and labor, financial institutions and insurance, and higher education committees | pp. 11,12 |
|---|-----------|

SMOKING

| | |
|--|--|
| Restaurants serving fewer than sixty persons may be designated a smoking area in its entirety: HB 1836 | |
| Restaurants serving more than sixty persons, at least fifty percent of area to be nonsmoking: HB 1836 | |

SNOWMOBILES

| | |
|--|--|
| Certificate of ownership required: SB 6362, SSB 6362 | |
|--|--|

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

- Acquired traumatic brain injury, supported employment demonstration projects, vocational rehabilitation division duties: SB 6275
- Adoption reconsideration program, medical and counseling services through adoption support program: *HB 2602, CH 285 (1990), SB 6492, SSB 6492, 2SSB 6492
- Assaults on employees, reimbursement for costs related to, eligible employee group expanded: HB 2295, *SB 6213, CH 153 (1990)
- At-home spouses of nursing home residents, maximum needs allowance raised: SB 6349
- At-risk youth programs, duties: SB 6610, SSB 6610, 2SSB 6610
- Before and after school child care program, duties: 2SHB 2471
- Child abuse, law enforcement and child protective services joint investigations, pilot project: *2SSB 6259, CH 3 (1990)
- Child support orders, petition for modification, when department may make: *HB 2888, CH 2 E1 (1990)
- Children's health program: *SHB 2603, CH 296 (1990), SB 6414, SSB 6414
- Chiropractic services, appropriation for: SB 6163
- Community mental health services contractors to adopt policy regarding patients' rights: SB 6049
- Community residential programs for the developmentally disabled: SB 6462, SSB 6462
- Community violence prevention and intervention pilot programs: 2SHB 2543
- Crime victim programs, assumption of departmental responsibilities by office of crime victim services: SB 6207
- Developmentally disabled, community residential programs: SB 6462, SSB 6462
- Employees, reimbursement for costs related to assaults, eligible employee group expanded: HB 2295, *SB 6213, CH 153 (1990)
- Family reconciliation act, duties under: SB 6610, SSB 6610, *2SSB 6610, CH 276 (1990)
- Foster care and adoptive parents for children with special needs, recruitment: SSB 6537, *2SSB 6537, CH 284 (1990)
- Foster children, health care services to be provided: SB 6345
- Liens, enforcement to recover costs of assistance: *SB 5169, CH 100 (1990)
- Lifeline telephone assistance fund, refund of remaining funds to ratepayers: SB 6849
- Limited casualty program, occupational therapy coverage included: SB 5376
- Long-term care of children pilot project, two facilities to be established: SB 6424
- Mental health, adult residential care duties transferred to regional mental health networks: SB 5504
- Mental health treatment, services, and institutions, transfer of responsibility to department of health: SB 6181
- Mentally disordered sexually dangerous persons, evaluation and treatment responsibilities: SB 6208
- Nursing home cost index lid, moratorium on imposition of: SB 6368
- Nursing homes, adjustments for inflation, calculation: SB 5800
- Nursing homes, authority to request a court-appointed receiver, qualifications of receiver: SB 5683
- Nursing homes, cost index lid for nursing services, increase in, not to apply retroactively to costs incurred before July 1, 1990: SHB 2423
- Overpayments, public assistance, recovery by department: *SB 5169, CH 100 (1990)
- Recipient earnings, treatment to create incentive to work, report to legislature, duties: 2SHB 2910
- Reimbursement of employees for costs related to assaults, eligible employee group expanded: HB 2295, *SB 6213, CH 153 (1990)
- Reproductive health pilot projects: SHB 2601

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.

- Revenue collection by department: *SB 5169, CH 100 (1990)
- Teen pregnancy prevention, reproductive health pilot projects: SHB 2601
- Violence prevention, public health intervention strategy: 2SHB 2543

SOLID WASTE

- Clark county facilities vendor selection, ratification: SB 6634
- Collection vehicles, stopping on roadway permitted for collection purposes: HB 2722, SB 6612
- Colleges and universities to develop management plan emphasizing waste reduction and recycling: SB 6540
- County contracts for systems and plants, procedure, compliance standards for counties with over one hundred thousand population: *SHB 2854, CH 279 (1990)
- County contracts for systems and plants, procedure, effective date for counties with over one hundred thousand population: SHB 2854, SB 6745
- Disposal facilities, fees and charges, changes, notice requirements: SB 6611, SSB 6611
- Sludge landspreading, regulation, permit process: SB 6173

SOUTH, MICHAEL G.

- Member, eastern state hospital advisory board, GA 9252 p. 565

SOUTH PUGET SOUND COMMUNITY COLLEGE DISTRICT NO. 24

- Harold T. (Hal) Wolfe, reappointed trustee,
GA 9205, confirmed pp. 22,67,1893

SPAS, HOT TUBS, AND SWIMMING POOLS

- Electrical equipment, certification required: SHB 1375

SPECIAL DISTRICTS

- Elections, districts with fewer than 500 voters, county auditor to conduct: 2SHB 1911¹
- Elections, procedures: 2SHB 1911
- Property tax levies, imposition and approval of: HB 2777
- Voters, eligibility to vote and distribution of votes: 2SHB 1911

SPECIAL ORDER OF BUSINESS

- SB 6252 p. 550
- ESHB 2929 p. 1191

SPEECH IMPAIRED PERSONS

- Telecommunications devices for, implementation and funding: SB 6290, *SSB 6290, CH 89 (1990)

SPITZER, HUGH

- Reappointed member, puget sound water quality authority,
GA 9198 p. 14

SPOKANE

- Toll bridge, reversion of ownership to city, operation and maintenance duties: HB 2216

SPOKANE COMMUNITY COLLEGE DISTRICT NO. 17

- Priscilla Dee McMillan, reappointed trustee, GA 9179 p. 21

SPORTS

- Athletic ability, physicians not to improve by use of drugs or autotransfusions: SSB 5319
- Athletic ability, practitioners with authority to prescribe not to improve by use of drugs or autotransfusions: SSB 5319
- Economic impact studies of sports events, model for: 2SHB 2774
- Mentor athletes program: SB 6688

SPORTS—cont.

Mentor athletes program, visiting athletes as role models: SB 6764

SPRAGUE, K. COLLINS

Alternate member, judicial conduct commission,

GA 9196, confirmed pp. 18,309,1502

SPRENKLE, VIRGINIA

Reappointed trustee, Everett community college

district no. 5, GA 9197, confirmed pp. 21,66,1574

STATE AGENCIES AND DEPARTMENTS

Bid information, dissemination by business assistance center: SB 6175, SSB 6175

Bid limits, state purchasing: SB 6689

Disclosure of a person's residence prohibited, exceptions: SB 6423

Interest to be charged on unpaid accounts receivable: HB 1579

Puget Sound water quality protection, adoption of rules of less than state-wide coverage, requirements and considerations: *SHB 2482, CH 115 (1990), SB 6211, SSB 6211, SB 6416

Receivables may be reported to credit reporting agencies: HB 2353, SB 6328

Recycled paper products, preferential purchase of: SB 6578, SSB 6578

Services, purchase by contract, department of general administration to adopt rules for: SB 6890

State offices and executive department branches, location, constitutional amendment: SSJR 8221

State offices and executive departments, location, constitutional amendment: SJR 8221

Taking, establishing a process to determine whether a taking of private property has occurred, implementation duties: SB 6253, SB 6812

Waste reduction, recycling, and procurement plan: SHB 2570

STATE AUDITOR

Auditing authority extended to records and financial transactions of all agencies of state government: SJR 8229

Position made appointive rather than elective: SSB 6837

Towns, notification of auditor required if pension plan not administered by state: *SHB 3007, CH 212 (1990)

STATE BUILDINGS

Energy efficiency account created to acquire improvements that will reduce energy costs: SB 5518, SSB 5518

Fire protection, study of method of payment: *HB 1055, CH 45 (1990)

STATE LANDS

Acquisition of land for wildlife conservation and outdoor recreation, funding: SB 6412, *SSB 6412, CH 14 E1 (1990)

Commissioner of public lands, position made appointive: SSB 6837

County acquisition of forest lands taken by state, conditions: SB 6867

Disabilities trust lands, request for legislative proposal regarding management of: *SCR 8444 E1 (1990)

Forest land exchange act of 1990: SB 6704

Forest lands, county acquisition of lands taken by state, conditions: SB 6867

Forest lands, department of natural resources authorized to purchase or acquire: SB 6536, SSB 6536

Forest lands purchased or acquired by department of natural resources, distribution of revenue from: SSB 6536

Highest responsible bidder, determination, for sale of valuable materials from tidelands and shorelands: *SB 6727, CH 163 (1990)

Investment income from management of state lands, disposition: SB 6355

STATE LANDS—cont.

- Lease assignments, tidelands, shorelands, and beds of navigable waters, department of natural resources approval: SHB 1688
- Rewards for information concerning violations relating to public lands and natural resources, authority to offer and pay: *SB 6727, CH 163 (1990)
- Right of way for utility lines may be opened to public hiking or horseback riding, conditions: SB 6334
- Tidelands and shorelands, sale of valuable materials from, highest responsible bidder, determination: *SB 6727, CH 163 (1990)
- Tidelands and shorelands, valuable materials, sale to highest responsible bidder at auction: 2SHB 1624
- Tidelands, shorelands, and beds of navigable waters, lease assignments, approval by department of natural resources: SHB 1688

STATE LIBRARY

- Employees injured by assault while working in state correctional institutions and offices, reimbursement: *HB 2438, CH 68 (1990), SB 6461
- Learn-in-libraries program, grants for after school programs for children, duties: *SB 6764, CH 290 (1990)

STATE OFFICIALS AND EMPLOYEES

- Constitutional officers, mandatory drug testing: SB 6884
- Drug testing, mandatory for constitutional officers: SB 6884
- Elected state officials, twelve year limit on term in office: SSB 6798, SB 6837, SSB 6837

STATE PATROL

- Audio headsets and earphones, use by motorcyclists of patrol approved sets permitted: SB 6801
- Background checks on prospective employees or volunteers who will work with children: *2SSB 6259, CH 3 (1990)
- Bicycle awareness program: SB 6434, SSB 6434
- Bicycle safety education for children in grades K-6: SB 6427
- Civil service exemption for confidential secretaries: *SB 6327, CH 14 (1990)
- DNA identification system, rulemaking authority: SB 6729, *SSB 6729, CH 230 (1990)
- DNA identification system, to adopt rules to implement: SHB 2349
- Radioactive materials and wastes, transportation and use, permanent working group to review, duties: SSB 6061
- Retirement system, contribution rate: SHB 2925, SB 6600, *SSB 6600, CH 18 (1990)
- Sex offender central registry, maintenance and release of registry information: SB 6287
- Sexual offender central registry, to maintain: SB 6281
- Sexual offenders, to maintain central registry of persons convicted of sexual offenses: SB 6206
- Sobriety checkpoints: SB 6710

STATE PURCHASES

- Supply management advisory board, additional duties: SB 6340

STATE TREASURER

- Community college faculty award trust fund, administrative duties: SB 6216, SSB 6216, *2SSB 6216, CH 29 (1990)
- Fire service training center bond retirement fund reinstated: HB 2311, SB 6241
- Public funds investment account, expansion of funds included in: *HB 2312, CH 106 (1990), SB 6242
- Spokane river toll bridge revenue account, transfer of funds, authorized uses: HB 2216
- State lands, investment income from management of state lands, deduction of management fee authorized: SB 6355

STATE-LOCAL RELATIONS

Reimbursement of local governments for costs resulting from state enactments, clarification as to what constitutes reimbursement: *SB 6913, CH 1 E2 (1990)

STATEMENTS FOR JOURNAL

| | |
|--|---------|
| Senator Sutherland, vote on GA 9125, GA 9140, GA 9145, SSB 5479, ESB 5597, SJM 8019 | p. 131 |
| Senator Sutherland, vote on GA 9147, GA 9149, ESB 5169, SJM 8003 | p. 144 |
| Senators Rinehart, Murray, Gaspard, Fleming, Bauer, Bender, removing names from sponsorship of SB 6864 | p. 318 |
| Senator Talmadge, vote on GA 9151, GA 9167, ESSB 6488 | p. 331 |
| Senator Talmadge, vote on 2SSB 5007, 2SSB 5104, 3SSB 5203, SB 6453, ESSB 6868, SSB 6474, SSB 6764, SB 6816, ESSB 6330 | p. 397 |
| Senator Talmadge, vote on GA 9171, SSB 6664 | p. 415 |
| Senator Talmadge, vote on GA 9019, GA 9127, GA 9156, 2SSB 5307, SB 5705, SSB 6573, SSB 6575, SB 6786, SSB 6713 | p. 472 |
| Senator Sutherland, vote on GA 9019, GA 9127, GA 9156, 2SSB 5307, SB 5705, SSB 6573, SSB 6575, SB 6786, SSB 6713 | p. 472 |
| Senator Talmadge, vote on SJM 8009 | p. 541 |
| Senator Sutherland, vote on 2SSB 6291, SHB 1264, HB 1523, HB 1571, SHB 2933, SSB 6312 | p. 748 |
| Senator Talmadge, vote on SHB 3007, REHJR 4203, EHB 1703, HB 2410, SHB 2337, HB 2032, 2SSB 6291, SHB 1264, HB 1523, HB 1571, SHB 2933, SSB 6312, SSCR 8429, REHB 1055, ESHB 1394, EHB 1881, EHB 2260, HB 2265, HB 2276, HB 2292, ESHB 2293 | p. 753 |
| Senator Talmadge, vote on SHB 2426 | p. 936 |
| Senator Talmadge, vote on SB 6528, SB 6571, SB 6574, SSB 6575 | p. 1401 |
| Senator Talmadge, vote on SSB 6182, 2SSB 6310, SSB 6560, SB 6652, SSB 6668, ESSB 6700, SB 6741, SB 6822, SSB 6827, ESB 6839, SSB 6859, SHB 2643, HB 2808, | p. 1457 |
| Senator Talmadge, vote on ESHB 2603, ESHB 2932, SB 6559 | p. 1602 |

STEELHEAD

| | |
|--|--|
| Bypass facilities at hydroelectric projects, requesting that army corps of engineers implement agreement on: SHJM 4017 | |
| Catch to be doubled by the year 2000, wildlife commission to provide legislature with plan and assessment of economic benefit: SB 5845 | |
| Commercial sales, requesting that congress prohibit: SSJM 8014 | |
| Production to be doubled by the year 2000, department of wildlife to develop plan: *2SSB 5845, CH 110 (1990) | |
| Production to be doubled by year 2000, department of wildlife to study feasibility: SSB 5845 | |
| Punchcard, two-day punchcard authorized: SB 5478 | |
| Seals and sea lions, removal or destruction of those preying on salmon and steelhead authorized: SSB 5533 | |

STEPHENSON, BARBARA

| | |
|---|------------|
| Trustee, Olympic community college district no. 3, GA 9227 | pp. 28,663 |
|---|------------|

STERN, BERNICE

Reappointed member, transportation commission,
GA 9199, confirmed pp. 16,135,781

STEROIDS

Athletic ability, not to be prescribed to improve but only as medical necessity:
SSB 5319

STRATTON, SENATOR LOIS J.

Appointed children and family services, energy and utilities,
and higher education committees pp. 11,12
Point of order, house amendment to SSB 6494 p. 1393

STREMLER FAMILY

1990 Washington dairy family of the year introduced p. 324

STUDIES

AIDS curriculum programs, superintendent of public instruction to make study of:
SB 6273
City and county finances, task force on, membership and duties: *SB 6913, CH 1
E2 (1990)
Columbia river, second bridge at Longview, transportation commission: SB 6697,
*SSB 6697, CH 87 (1990)
Community college faculty and administrator salaries, community college edu-
cation board to study: *SSB 6306, CH 268 (1990)
Computer software, taxation of, department of revenue to conduct study on: *SSB
6859, CH 255 (1990)
Criminal offenders, study of laws governing confidentiality and disclosure of
information about dangerous offenders: *2SSB 6259, CH 3 (1990)
Educational staff associates, supply and demand for, state board of education:
SSB 6352
Educators, compensation improvement and maintenance, superintendent of
public instruction: SB 6864
Electric transmission lines and magnetic fields, location to minimize exposure,
utilities and transportation commission: SB 6771
Electric transmission research needs, by task force on: *SSB 6771, CH 138 (1990)
Emerging commercial fisheries, director to report after five years on status of
each fishery with recommendations for regulation: *HB 2290, CH 63 (1990)
Energy efficiency rating system for new and existing residences, state energy
office: SSB 6823
Energy efficiency rating system for new residential construction, state energy
office: SB 6823
Enrollment options programs and laws, operation in Washington and other states,
superintendent of public instruction: SB 6733, SSB 6733, 2SSB 6733
Fair start program, criteria for determining eligibility, superintendent of public
instruction to study and report on: SB 6352, SSB 6352
Family reconciliation services program study, requirements: SSB 6610, *2SSB
6610, CH 276 (1990)
Financial institutions and securities, consolidation of regulatory functions, joint
select committee to study creation of new state agency: SSB 6371
Fire protection for state buildings, means of making payments to cities and fire
protection districts for: *HB 1055, CH 45 (1990)
Foster child health services, use of medicaid funds, department of social and
health services to conduct: SB 6345
Grant county wayport and high-speed transportation development study: *SCR
8437 (1990)
Health care insurance costs, commission on, to review factors influencing costs:
SSB 6834, 2SSB 6834
Health care system, by state board of health: SB 6737

STUDIES—cont.

- Jet aircraft emissions, department of ecology: HB 2617
- Juvenile rehabilitation system study, office of financial management: SB 6832, SSB 6832, *SSB 6832, CH 292 (1990)
- Juvenile sex offenders, task force to study treatment methods and programs for: SB 6284
- Local government self-insurance pools, joint select committee to study: *SHB 2933, CH 26 (1990)
- Oil and hazardous materials, potential effects, department of ecology: 2SHB 2494
- Placebound students, assessment of needs not addressed by branch campuses, higher education coordinating board: SB 6626, *SSB 6626, CH 288 (1990)
- Placebound students, Clallam and Jefferson counties, assessment of needs not addressed by branch campuses: SSB 6626
- Poverty issues, interim study on: *SCR 8446 E1 (1990)
- Public assistance, recipient earnings, treatment to create incentive to work, social and health services department report: 2SHB 2910
- Public water systems, problems of small systems, department of health: SB 6447, *SSB 6447, CH 133 (1990)
- Purple loosestrife control and eradication by noxious weed control board: SB 6291
- Radioactive materials handled under state license or permit, methods of obtaining liability coverage, departments of ecology and health: *SSB 6575, CH 82 (1990)
- Recovered materials, exemption of carriers from rate regulation, evaluation by department of trade and economic development: *SSB 6700, CH 123 (1990)
- Roadside spraying of pesticides, task force created to study: SHB 2593
- Rural health insurance, availability and coverage, insurance commissioner to make recommendations: *2SSB 6418, CH 271 (1990)
- Seismic safety of schools, superintendent of public instruction to conduct: SB 6227
- Sludge and waste disposal in agricultural areas, director of department of agriculture to study: HB 2333
- Sludge land application, epidemiological effects, department of ecology: SB 6363
- Sludge utilization and disposal, department of ecology to study and report on: SB 6173
- Sports events, economic impact studies of, model for, department of community development: 2SHB 2774
- State energy plan, report to legislature on need for, state energy office: SB 6826
- State highway system, road jurisdiction committee to study financial impact of changes, deletions, and additions to: *HB 1724, CH 233 (1990)
- State-wide enhanced 911 system, utilities and transportation commission: SB 6827, *SSB 6827, CH 260 (1990)
- Steelhead and game fish production to be doubled by the year 2000, department of wildlife to develop plan: *2SSB 5845, CH 110 (1990)
- Student transportation safety, interim task force on, extension of expiration date: *HB 2694, CH 4 E1 (1990)
- Taxpayer rights and responsibilities, department of revenue: HB 2424
- Teacher career ladders, teacher technicians, and master teachers, advisory committee to study: SB 6331
- Timber supply report, department of natural resources to make: SB 6830
- Vegetative management along roadways, task force created to study: SHB 2593
- Washington institute of applied technology, report to legislature regarding, office of financial management: SB 6901
- Washington institute of applied technology, report to legislature regarding, state board for vocational education: SSB 6901
- Wetlands managed under the shorelines management act, study of desirability of regulating under wetlands management act: SSB 6799

STUDIES—cont.

- Work force assessment, office of financial management to make: 2SHB 2348, SB 6411, *SSB 6411, CH 272 (1990)
 Work force training needs, office of financial management: SB 6858, SSB 6858
 911 system, state-wide implementation of enhanced 911 service study, department of community development: HB 2823

SUBDIVISIONS

- Approval by city or county, additional requirements and conditions: SB 6895

SUICIDE

- Youth suicide prevention center at Bothell, appropriation for: SB 6293

SULLIVAN, THE REVEREND WILLIAM

- Head of organizing committee for goodwill games introduced and addressed the senate p. 160

SUNSET REVIEW

- Agencies scheduled for review, governor to make recommendations: *SHB 2327, CH 297 (1990), SB 6260, SB 6265, SB 6266
 Extension or reestablishment of agencies subject to review: *SHB 2327, CH 297 (1990), SB 6260, SB 6265, SB 6266
 Legislative budget committee, procedural modifications: *SHB 2327, CH 297 (1990), SB 6265
 Transfer of duties of select joint committee on sunset review to legislative budget committee: SB 6277

SUPERIOR COURT

- Court commissioners, appointment: *HB 2808, CH 191 (1990)
 Fee schedule modified: SHB 1237
 Horticultural pest and disease control boards, destruction of infested plants without owner's consent, procedure: SB 6353
 Judges, King county, eighteen additional: SB 6513
 Judges, King county, five additional: SSB 6513
 Judges, two additional in Kitsap county and one in Thurston county: SHB 2315, *SB 6562, CH 186 (1990)
 Mandatory arbitration, claim limit raised to seventy thousand dollars: HB 2338

SURVEYORS

- Land surveyors, continuing education requirements: HB 2435
 Registration requirements: HB 2715

SUTHERLAND, SENATOR DEAN

- Appointed energy and utilities, environment and natural resources, and governmental operations committees pp. 11,12
 Statement for journal, vote on GA 9125, GA 9140, GA 9145, SSB 5479, ESB 5597, SJM 8019 p. 131
 Statement for journal, vote on GA 9147, GA 9149, ESB 5169, SJM 8003 p. 144
 Point of order, amended striking amendment to SSB 5020 p. 449
 Statement for journal, vote on GA 9019, GA 9127, GA 9156, 2SSB 5307, SB 5705, SSB 6573, SSB 6575, SB 6786, SSB 6713 p. 472
 Notice of protest, SB 6252 p. 552
 Statement for journal, vote on 2SSB 6291, SHB 1264, HB 1523, HB 1571, SHB 2933, SSB 6312 p. 748
 Point of order, committee amendment to EHB 2626 p. 923

SWEENEY, LEO B.

- Reappointed member, transportation commission, GA 9200 pp. 16,135

TACOMA COMMUNITY COLLEGE DISTRICT NO. 22

Dennis G. Seinfeld, reappointed trustee, GA 9192,

confirmed pp. 21,226,1095

TALMADGE, SENATOR PHIL

Appointed law and justice, subcommittee on corrections

and ways and means committees pp. 11,12

Statement for journal, vote on GA 9151, GA 9167,

ESSB 6488 p. 331

Personal privilege, notation for Senator Hayner to refer

to Senator Craswell as madam president when presiding p. 362

Statement for journal, vote on 2SSB 5007, 2SSB 5104,

3SSB 5203, SSB 6453, ESSB 6868, SSB 6474,

SSB 6764, SB 6816, ESSB 6330 p. 397

Statement for journal, vote on GA 9171, SSB 6664 p. 415

Point of order, amendments to SB 6506 (withdrawn) p. 451

Statement for journal, vote on GA 9019, GA 9127,

GA 9156, 2SSB 5307, SB 5705, SSB 6573,

SSB 6575, SB 6786, SSB 6713 p. 472

Statement for journal, vote on SJM 8009 p. 541

Statement for journal, vote on SHB 3007, REHJR 4203,

EHB 1703, HB 2410, SHB 2337, HB 2032,

2SSB 6291, SHB 1264, HB 1523,

HB 1571, SHB 2933, SSB 6312,

SSCR 8429, REHB 1055, ESHB 1394,

EHB 1881, EHB 2260, HB 2265,

HB 2276, HB 2292, ESHB 2293 p. 753

Point of order, amendment to committee amendment on

EHB 2888 p. 776

Statement for journal, vote on SHB 2426 p. 936

Point of order, house amendments to ESSB 6499 p. 1283

Point of order, house amendments to SSB 6626 (withdrawn) p. 1329

Statement for journal, vote on SB 6528, SB 6571, SB 6574,

SSB 6575 p. 1401

Statement for journal, vote on SSB 6182, 2SSB 6310,

SSB 6560, SB 6652, SSB 6668, ESSB 6700,

SB 6741, SB 6822, SSB 6827,

ESB 6839, SSB 6859,

SHB 2643, HB 2808, p. 1457

Statement for journal, vote on ESHB 2603, ESHB 2932,

SB 6559 p. 1602

Point of order, conference committee amendments to

E2SSB 6610 p. 1632

Point of order, twenty-four hour rule on free conference

committee report on EHB 2888 p. 1656

Parliamentary inquiry, question when to raise

twenty-four hour rule on free conference committee

report on EHB 2888 p. 1657

Parliamentary inquiry, votes needed to suspend rule 11 of

joint rules, EHB 2888 p. 1666

TAX APPEALS, BOARD OF

Matthew J. Coyle, member, GA 9154 pp. 16,1472

Membership, one member to reside east of the Cascade mountains: SSB 5379

TAXES - BUSINESS AND OCCUPATION TAX

Businesses, exemption for new businesses, eligibility: SB 6233

Donations to state colleges and universities, credit allowed equal to fifty percent

of donation: SSB 6075

TAXES – BUSINESS AND OCCUPATION TAX—cont.

Exemption for new businesses, eligibility: SB 6233

Fishermen's exemption, commercial fishermen subject to enhanced food fish tax: SB 6785

Insurance agents, brokers, and solicitors, amnesty and tax credits: SB 6440, SSB 6440, 2SSB 6440

Insurance agents, brokers, and solicitors, exemption: SB 6433

Low-level radioactive waste disposal facilities, rate reductions: *SHB 2956, CH 21 (1990)

Timber harvesters, exemption for small harvesters: *SB 6822, CH 141 (1990)

Travel charter and tour operators, tax imposed upon: SB 6329, SSB 6329

TAXES – CIGARETTE TAX

Penalties increased for violations: *SB 6652, CH 267 (1990)

Unstamped cigarettes, penalties increased for failure to pay tax: *SB 6652, CH 267 (1990)

Unstamped cigarettes, possession and transportation of: *SB 6451, CH 216 (1990)

TAXES – COMMERCIAL PARKING TAX

Local option tax on commercial parking businesses authorized: SB 6358

TAXES – EMPLOYMENT TAX

Basic health plan, tax on employers authorized to partially fund: SB 6020

Counties authorized to impose: SHB 2833

High occupancy vehicle lane development program, tax on employers authorized: *SHB 1825, CH 43 (1990)

TAXES – ENHANCED FOOD FISH TAX

Mussels and clams, tax imposed on: SB 6585, SSB 6585

Remittance, periodic remittance other than monthly: HB 2345, SB 6449

Remittance to be made within twenty-five days following month in which taxable activity occurred: *HB 2345, CH 214 (1990), SB 6449

TAXES – ESTATE TAX

Internal revenue code references, correction: *SB 6391, CH 224 (1990)

TAXES – EXCISE TAX

Cemetery district housing unit tax authorized when property tax levy is reduced or lost, approval, determination, and collection: SB 5880

Core deposits, clarification of definitions and terminology: SB 6653

Emergency services communications systems, tax rate to be determined by county legislative authority: SB 6214, SSB 6214

Housing unit tax authorized when cemetery district property tax levy is lost or reduced: SB 5880

Leasehold tax, exemption for publicly controlled historical sites in special review districts created before 1987: *SB 5431, CH 131 (1990)

Motor vehicle tax, surcharge to fund high occupancy vehicle lane development program: *SHB 1825, CH 43 (1990)

Motor vehicles, distribution for local criminal justice programs: *SB 6913, CH 1 E2 (1990)

Motor vehicles, distribution, reconciliation with motor vehicle fuel tax distribution system: *SB 6913, CH 1 E2 (1990)

Motor vehicles, distribution to cities, towns, and counties: SHB 2833

Motor vehicles, distribution to local criminal justice assistance account: SB 6904

Motor vehicles, distribution to local criminal justice programs: SB 6547, SSB 6547

Motor vehicles, rates, collection, and distribution: SB 6358, *SSB 6358, CH 42 (1990)

Real estate, authority for cities and counties to impose additional tax on sales: HB 3036

Real estate, authorized uses for additional tax revenues enlarged: HB 3036

* - Passed Leg.: E1 - 1st Special Sess.; E2 - 2nd Special Sess.

TAXES - EXCISE TAX—cont.

- Real estate, counties authorized to impose to fund acquisition of local conservation areas: SB 6639, *SSB 6639, CH 5 E1 (1990)
- Real estate, local government, authority to impose additional tax by governments required to plan: *SHB 2929, CH 17 E1 (1990)
- Telecommunications devices for the deaf tax, rates and remittance: SB 6290, *SSB 6290, CH 89 (1990)

TAXES - GAMBLING TAX

- Law enforcement expenses, counties, cities, and towns authorized to use revenues for: SB 6763
- Law enforcement personnel, allocation of revenue to: SB 6491

TAXES - GENERAL

- Confidentiality of tax information, release to Canadian and United States agencies expanded: *HB 2343, CH 67 (1990), SB 6450
- Electronic funds transfer payment of taxes required when tax exceeds specified amount: *SHB 2344, CH 69 (1990), SB 6753, SSB 6753
- Initiative 62, revised provisions: SB 6909
- Limits on revenue, imposition on local governments of responsibility for new or increased programs or services: SB 6909
- Organic food, certified producers, director of agriculture to seek tax relief for financially weak producers: SB 6821
- Pensions, requesting that Congress allow taxation only by state of residency: *SJM 8018 (1990)
- Release of tax information to Canadian and United States agencies expanded: *HB 2343, CH 67 (1990), SB 6450
- Taxpayer rights and responsibilities study: HB 2424

TAXES - INCOME TAX

- Transit passes and parking, equal tax treatment of employer-provided passes and parking requested: HJM 4019

TAXES - INHERITANCE TAX

- Probate laws, deletion of obsolete inheritance tax references: SB 6395, *SSB 6395, CH 180 (1990)

TAXES - LODGING TAX

- Cities, authorization to use revenues for capital improvements to parks and recreation systems: SB 6261
- Parks and recreation systems, authorization for cities to use revenue for capital improvements: SB 6261
- Tourism strategies, use of revenues to develop authorized: *SB 6640, CH 17 (1990)

TAXES - MOTOR VEHICLE FUEL TAX

- County and municipal criminal justice assistance account, distributions to: SB 6909
- Distribution of revenues: SB 6358, *SSB 6358, CH 42 (1990)
- Local option tax authorized: *SSB 6358, CH 42 (1990)
- Motor vehicle excise tax distribution, reconciliation with fuel tax distribution system: *SB 6913, CH 1 E2 (1990)
- Rates and distribution, governor's proposal: SB 6358, *SSB 6358, CH 42 (1990)
- Rates set: SB 6358, *SSB 6358, CH 42 (1990)
- Urban transportation systems, refunds may go only to privately owned systems: SB 6695

TAXES - PERSONAL PROPERTY TAX

- Computer software, exclusion from definition of personal property: SB 6859
- Computer software, to be taxed on 1989 basis: *SSB 6859, CH 255 (1990)
- Equalization to be based on previous year's assessment: *HB 1307, CH 283 (1990)

TAXES - PROPERTY TAX

- Canceled and uncollectable taxes, local taxing districts, authority to levy additional taxes to equal amount lost: SHB 2780
- Classification of improvements to property, legislature may classify in any reasonable manner: SJR 8232
- Comparable sales, valuation of real property, use discretionary: SB 6863
- Computer software, exclusion from definition of real property, exceptions: SB 6859
- Computer software, to be taxed on 1989 basis: *SSB 6859, CH 255 (1990)
- Covenants running with land survive foreclosure for delinquent taxes: SSB 5285
- Criminal justice services, constitutional amendment to allow cities to levy additional tax for: SJR 8240
- Criminal justice services, constitutional amendment to allow counties to levy additional tax for: SJR 8234, SJR 8235
- Current use valuation of property devoted to low-income housing and containing five or more low-income dwelling units: *2SSJR 8212 (1990)
- Deferral of special assessments and taxes, eligibility: SB 6759
- Emergency medical service levies, forty percent validation requirement removed: HB 2303
- Excess levies for up to six years, taxing districts authorized to seek: *HJR 4231, E2 (1990), SJR 8241
- Exemption for low and middle income families: SB 6187
- Exemption for low and middle income families, constitutional amendment to authorize: SJR 8227
- Exemption for retired persons, qualifying income levels increased: SB 6186, SB 6505
- Exemption, property under public financing contract: *HB 2310, CH 47 (1990), SB 6240
- Exemption, real and personal property of veterans' organizations used for fund-raising activities: *HB 1307, CH 283 (1990), SB 6243, SSB 6243
- Exemptions and deferrals for senior citizens and physically disabled persons, formula for determination of exemption amount: SB 6874
- Historic property tax exemption extended: SB 5699
- Homeless shelters, exemption for: *HB 1307, CH 283 (1990), SHB 2996
- Levy limits, junior and senior taxing districts: *HB 2330, CH 234 (1990), SB 6707
- Levy reductions when levy rate exceeds limits, procedure: *HB 2330, CH 234 (1990), SB 6707
- Local government levy rates: SB 6455
- Local government tax levies, imposition and approval of: HB 2777
- Low and middle income families, tax exemption: SB 6187
- Low and middle income families, tax exemption, constitutional amendment to authorize: SJR 8227
- Low-income housing, constitutional amendment to allow current use valuation of: SJR 8238
- Low-income housing, current use valuation of, classification procedures: SB 6794
- Low-income housing to be taxed at current use value: SB 5550
- Mobile home parks serving low-income persons, tax deferral: SB 5365, SSB 5365
- Park districts, levy limits: *HB 2330, CH 234 (1990), SB 6707
- Property used for low-income housing to be valued at current use value: SJR 8212, SSJR 8212, 2SSJR 8212
- Public financing contract, exemption for property under: *HB 2310, CH 47 (1990), SB 6240
- Public hospital and metropolitan park districts, increased levy authority may be exercised for duration of authority: *HB 1307, CH 283 (1990)
- Public hospital districts, levy limits: *HB 2330, CH 234 (1990), SB 6707
- Quarterly payment authorized: SB 6372
- Refunds, local taxing districts, authority to levy additional taxes to pay: SHB 2780

TAXES - PROPERTY TAX—cont.

- Retired persons exemption, qualifying income levels increased: SB 6186, SB 6505
- Revaluation of property: SB 6497
- Six-year levies, election procedure to impose: SB 6909
- Six-year levies, taxing districts authorized to seek excess levies for periods up to six years: *SB 6913, CH 1 E2 (1990)
- Six-year tax levies, constitutional amendment to allow taxing districts to impose: HJR 4227
- Six-year tax levies, constitutional amendment to allow taxing districts to seek: *HJR 4231, E2 (1990), SJR 8241
- Taxing districts, constitutional amendment to allow imposition of six-year tax levies: HJR 4227
- Valuation, credit for non-portable personal property on which excise tax has been paid: SB 6232, SSB 6232
- Valuation of property devoted to low-income housing at current use value: SB 5550, SSB 5550, 2SSB 5550, *3SSB 5550, CH 168 (1990)
- Veterans' organizations, exemption of real and personal property used for fund-raising activities: *HB 1307, CH 283 (1990), SB 6243, SSB 6243

TAXES - PUBLIC FACILITY TAX

- Pacific Ocean bordering cities and counties, authority to levy special tax on lodging: SB 6857

TAXES - PUBLIC UTILITY TAX

- Cogeneration and municipal waste energy investments, not eligible for deductions: SHB 2198
- Conservation investments, tax credits, 1991 limit put on addition of new facilities: SSB 5948
- Electrical generation facilities, deduction of amounts expended on new construction: SB 6844
- Energy conservation and efficiency expenditures, deductions for: *SHB 2198, CH 2 (1990)

TAXES - SALES TAX

- Adult entertainment materials and services, tax imposed, rate set: SB 6288
- Candy and sweets removed from exemption for food products, revenue to go to school construction projects: SB 6313
- Corporations, acceptable proof of nonresident status for exemption: SB 6350
- Criminal justice services, optional local tax for: *SB 6913, CH 1 E2 (1990)
- Deductibility from federal income tax, requesting that congress restore: HJM 4012
- Donated clothing, exemption for purchases by nonprofit groups for sale at cost to low-income persons: SB 5451
- Equalization program, distribution to cities, towns, and counties altered: SHB 2833
- Fairs, food sold by nonprofit organizations at fairs, exemptions: SB 5908
- Food products sold by nonprofit organizations at fairs, exemption: SB 5908
- Local sales tax distributions: SB 6909
- Local sales tax distributions to be made monthly: *SB 6913, CH 1 E2 (1990)
- New cities, sales tax equalization: *SB 6913, CH 1 E2 (1990)
- New cities, sales tax equalization: SB 6909
- Nonprofit organizations, food products sold at fairs, exemption: SB 5908
- Reduction, temporary reduction to six percent: SB 6645

TAXES - SOLID WASTE COLLECTION TAX

- Alternative rates, elimination of: SB 6893
- Infectious waste management, additional tax imposed to fund: SB 6333
- Rates, alternative rates eliminated: SB 6893

TAXES - SPECIAL FUEL TAX

- Milk pumping operations, exemption for: *SB 6816, CH 185 (1990)

TAXES - SPECIAL FUEL TAX—cont.

Urban transportation systems, refunds may go only to privately owned systems:
SB 6695

TAXES - USE TAX

Tangible personal property acquired and used in another state, exemption: SB
6693

TAYLOR, JAMES L.

Member, western state hospital advisory board,
GA 9228 pp. 26,378

TEACHERS

- Abuse issues course required for initial certification: *HB 2331, CH 90 (1990)
- Abuse, use of abusive language to teacher made a misdemeanor: HB 1673
- Alternative teacher preparation pilot program: SSB 6476
- Alternative to certification, employment of uncertificated teachers, conditions: SB
6476
- Associate instructor teaching classification: SB 6643
- Career ladders, teacher technicians, and master teachers, advisory committee to
study, membership and duties: SB 6331
- Certificate, revocation for persons who have caused a minor to commit a crimi-
nal act, three year minimum: SSB 6807
- Certification, alternative, requirements: SB 6903
- Certification, examination for: SB 6903
- Certification, uniform entry to practice assessment: HB 2495
- Child abuse issues course required for certification: HB 2331
- Compensation, performance-based: SB 6903
- Consultant special certificates, informational document on, distribution duties,
superintendent of public instruction: SSB 6643
- Continuing education credits, penalties for fraudulent reporting of: HB 2376
- Contracts, supplemental: SB 6903
- Cooperating teachers, stipends for assistance to student teachers: *SB 5371, CH 10
E1 (1990)
- Cultural diversity in-service training grant program to enhance sensitivity to a
variety of cultural values: SHB 1814
- Employment, persons who have caused a minor to commit a criminal act,
employment prohibited for at least three years: SSB 6807
- Employment, persons who have caused a minor to commit a felony, employment
prohibited: SB 6807
- Excellence in teacher preparation award program: SB 5371
- Excellence in teacher preparation program, stipends for cooperating teachers:
*SB 5371, CH 10 E1 (1990)
- Foreign language exchange teachers, teaching permits may be renewed more
than once: *SSB 5450, CH 243 (1990), SB 6722
- Fraudulent reporting of continuing education credits, penalties: HB 2376
- Graduate teacher fellowship program created: SB 5226
- Local master's degree teacher training program: SHB 2533, SB 6294, SSB 6294
- Master's degree requirement for certification after 1992 repealed: SB 5637, SSB
5637
- Mentor teachers: SB 6409
- Pacific Rim language teachers conditional scholarship program: SB 6439
- Performance-based compensation: SB 6903
- Preparation of teachers, excellence in training to be recognized by award pro-
gram: SB 5371
- Professional development center grants: SB 6484
- Professional educator renewal program established to retain experienced
teachers: SHB 1765
- Ratio of certificated staff to students, to be increased over ten years: SB 6584

TEACHERS—cont.

- Salary allocation schedule, credit for courses beyond awarded bachelor's and master's degrees: SB 6530
- Salary increases: SB 6892
- Salary increases, allocation schedule for 1990-91: SB 6805
- Student teacher assistance program: SB 6409
- Supplemental contracts: SB 6903
- Teacher assistance program: SB 6409
- Teacher preparation, award for excellence program, annual award to teacher educator: *SB 5371, CH 10 E1 (1990)
- Teachers' retirement system, computation of service credit for teachers and substitute teachers: *SHB 2644, CH 274 (1990), SB 6593
- Teachers' retirement system, contribution rate: SHB 2925, SB 6600, *SSB 6600, CH 18 (1990)
- Teachers' retirement system, cost of living adjustments for minimum benefit: SB 6762
- Teachers' retirement system, public employment without loss of benefits, conditions: *SHB 2644, CH 274 (1990)
- Teachers' retirement system, retirement allowances: SB 6380
- Teachers' retirement system, survivorship options: *SHB 2643, CH 249 (1990), SB 6592
- Teachers training teachers program: SB 6409
- Uncertificated teachers, employment, conditions: SB 6476
- Washington award for excellence in teacher preparation act: *SB 5371, CH 10 E1 (1990)
- Writing project for educators: SSB 5227

TECHNOLOGY

- Development and commercialization, state role in promoting: 2SHB 2023
- Science and technology needs, evaluation of: 2SHB 2023
- Washington technology center, duties: 2SHB 2023

TELECOMMUNICATIONS

- Alternate operator services, registration and service requirements: *HB 2526, CH 247 (1990), SB 6770
- Competitive classification, may submit petition with application for registration: *SB 6510, CH 10 (1990)
- Credit card numbers, telephone credit cards, sale or publication, gross misdemeanor: SHB 2789, SB 6572, *SSB 6572, CH 11 (1990)
- Fraud in obtaining services: SHB 2789, SB 6572, *SSB 6572, CH 11 (1990)
- Hearing and speech impaired, devices for, implementation and funding: SB 6290, *SSB 6290, CH 89 (1990)
- Radio communications services provided by a regulated telecommunications company, exemption from regulation: *HB 2525, CH 118 (1990), SB 6512
- Toll message calls, billing and collection of charges: SB 6838
- Video, state-wide video telecommunications system development: SB 6219, SSB 6219, 2SSB 6219

TELEPHONE SOLICITATION

- Persons who do not wish to receive, local exchange company to make directory, penalty for contacting listed person: SB 6772

TELEPHONES

- Alternate operator services, registration and service requirements: *HB 2526, CH 247 (1990), SB 6770, SSB 6770
- Emergency services communications systems excise tax rate to be determined by county legislative authority: SB 6214, SSB 6214
- Exchange areas and territorial boundaries, changes by utilities and transportation commission, when authorized, procedure: SB 5806, SSB 5806

TELEPHONES—cont.

- Facsimile transmissions, unsolicited commercial transmissions prohibited: *HB 2299, CH 221 (1990)
- Lifeline service, renamed telephone assistance program: *HB 2546, CH 170 (1990), SB 6872
- Lifeline telephone assistance fund, refund of remaining funds to ratepayers: SB 6849
- Telephone assistance program, change in terminology from lifeline service: SB 6846
- Telephone assistance program, renewal: *HB 2546, CH 170 (1990), SB 6872
- Toll message calls, billing and collection of charges: SB 6838
- Washington telephone assistance program, change in terminology from lifeline service: SB 6846

TELEVISION

- Cable systems, third class cities authorized to operate: SB 6774

THERMAL POWER PLANTS

- Siting, certification requirements: SB 6840

THOMPSON, JUDGE DONALD H.

- Reappointed member, sentencing guidelines commission,
GA 9201 pp. 18.309

THORNESS, SENATOR LEO K.

- Appointed governmental operations, vice chair; transportation,
vice chair; law and justice, subcommittee on
corrections, chair; committees pp. 11.12

THURSTON COUNTY

- Superior court judges, one additional: SHB 2315, *SB 6562, CH 186 (1990)

TIDELANDS

- Lease assignments, tidelands, shorelands, and beds of navigable waters, department of natural resources approval required: SHB 1688
- Valuable materials on tidelands and shorelands, sale to highest responsible bidder: 2SHB 1624

TIMBER (See also FOREST PRACTICES)

- Clear-cutting restrictions: SB 6436
- Communities affected by allowable-cut reductions, requesting that Congress take action to assist: *SJM 8023 (1990)
- Conversion of timber land to other uses, ten year waiting period: SHB 2929
- County acquisition of forest lands taken by state, conditions: SB 6867
- Domestic processing of forest board land timber, criteria for sale to enterprises to include: SB 6829
- Forest board land timber sales, counties to be compensated for losses from, determination of amount: SB 6829
- Forest board lands, sale to enterprises who processed majority of timber in Washington or adjacent states: SB 6829
- Forest land exchange act of 1990: SB 6704
- Forest lands, department of natural resources authorized to purchase or acquire: SB 6536, SSB 6536
- Hardwoods commission created, organization and duties: SHB 2059
- Hardwoods commission, membership and duties: *SB 6862, CH 142 (1990)
- Harvesters, business and occupation tax exemption for small harvesters: *SB 6822, CH 141 (1990)
- Paper stock, requesting Congress to require that imported stock meet United States standards: SJM 8024
- Reforestation requirements: SB 6436

TIMBER—cont.

- Reserve timber, sale to enterprises who processed majority of timber in Washington or adjacent states: SB 6829
- Reserved timber, compensation for losses resulting from limits on sales to qualified enterprises: SHB 3016
- Timber harvesting and processing developments, report to legislature on state response to: SB 6728
- Timber supply report, department of natural resources to make: SB 6830
- Washington hardwoods commission created, organization and duties: SHB 2059

TIRES

- Spare tires, use of temporary—use nonpneumatic tires authorized: SB 6348, *SSB 6348, CH 105 (1990)

TITLE ONLY

- Antibigotry and bias act of 1989: HB 2237
- Comprehensive planning by county governments act of 1990: SB 6898
- Contractors' bonds and assigned accounts act of 1990: SB 6854
- Corrections act of 1989: SB 6114
- Employment procedures act of 1990: SB 6851
- Growth act of 1990: SB 6911
- Growth management act of 1990: SB 6853
- Land use planning act of 1990: SB 6852
- Local government taxation act of 1990: SB 6850

TOBACCO

- Health care facilities, use prohibited in: SHB 1941
- Liquor control board, enforcement powers and duties transferred to: SB 6667, SSB 6667
- School property, use prohibited, exceptions: HB 2406

TOLLEFSON, GRAHAM

- Reappointed trustee, Central Washington University,
GA 9202, confirmed pp. 19,66,641

TORONTO, CANADA

- International trade office to be established at: SB 6202

TORTS

- Certificate of merit, filing by claimant's attorney required in professional negligence cases: SB 6148, SSB 6148
- Damages, motor vehicles, measure of damages established for damage to or destruction of: SHB 1475
- Professional negligence actions, filing of certificate of merit by claimant's attorney required: SB 6148, SSB 6148
- Recreational land owner's liability, state license or permit is not fee for purposes of section limiting liability: HB 2998, SB 6605
- Recreational landowners, limits on liability, recovery of costs of defending suit: SB 6495

TOURISM

- Resorts, community economic revitalization board grants authorized to develop destination resorts: 2SHB 1293, SB 5328, SSB 5328
- Strategies, use of hotel/motel tax revenue to develop authorized: *SB 6640, CH 17 (1990)

TOW TRUCKS

- Abandoned vehicles, impoundment authorized within eight hours: HB 2387
- Emergency service, exemption from weight and load restrictions: HB 2636

TOWNS (See MUNICIPALITIES)

TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

- Business and job retention advisory committee, membership and duties: SB 6730
- Business and job retention program: SHB 1495
- Business and job retention program, duties: SB 6730
- Business assistance center, state agency bid information, dissemination duties: SB 6175, SSB 6175
- Business assistance center to review corporate complaints regarding allegedly unfair administrative rules: SSB 5542
- Economic growth to be encouraged on state-wide basis: SB 6860
- Environmental coordination procedures act, administrative duties transferred from department of ecology: SB 6172
- Hanford reservation leased lands, promotion of sublease possibilities duty: SSB 5993, *2SSB 5993, CH 281 (1990)
- Industrial competitiveness program, departmental duties: SB 6325, SSB 6325
- Industrial growth demonstration pilot project: SHB 2921
- International trade offices, policy authority: SB 6202, SSB 6202, 2SSB 6202
- Local economic development service programs: SB 6860
- Model shared foreign sales corporation, development: SSB 5106
- Recovered materials, exemption of carriers from rate regulation, evaluation of: *SSB 6700, CH 123 (1990)
- Recycling markets committee, contracts, matching funds requirements: *SB 6577, CH 127 (1990)
- Recycling markets committee, termination date extended: *SB 6577, CH 127 (1990)
- Science and technology needs, evaluation of, duties: 2SHB 2023
- Service delivery task force and urban-rural subcommittee created, duties: SB 6860
- Shared foreign sales corporation model development: SSB 5106
- Technology development and commercialization, departmental duties: 2SHB 2023
- Tokyo office, study of colocation efforts with department of agriculture: SSB 5004
- Tri-cities, programs to attract industrial and high-technology investments to emphasize work force and facilities in region: *2SSB 5993, CH 281 (1990)
- Washington technology center, administrative duties: 2SHB 2023

TRAFFIC ACCIDENTS

- Drivers' duties, penalty for failure to stop or comply: SB 6521
- Failure to stop or comply, penalty: SB 6521
- Prevention of drug and alcohol related accidents, enforcement provisions: SB 6710

TRAFFIC OFFENSES

- Deferral of judicial determination that an infraction has been committed: HB 2404
- Driving with suspended or revoked license, penalties: SB 6522
- Failure to comply, occupants of motor vehicles who fail to appear, gross misdemeanor: HB 2575
- Failure to comply, two or more instances of failure to respond or appear constitute: SB 6523, SB 6608, *SSB 6608, CH 210 (1990)
- Failure to respond or appear, two or more constitute failure to comply: SB 6523, SB 6608, *SSB 6608, CH 210 (1990)
- Overloading a vehicle, person who directed the loading may be made a codefendant: HB 2716
- Overloading a vehicle, person who directs the overloading is guilty of a traffic offense: *HB 2716, CH 217 (1990)
- Parking violations, two or more unpaid, report by local jurisdiction to department of licensing: SHB 2833
- Payment, penalty reduced by two-thirds if paid within forty-eight hours: SB 6503
- Penalties revised: *SSB 6608, CH 210 (1990)

TRAFFIC OFFENSES—cont.

- Penalty reduced by two-thirds if paid within forty-eight hours: SB 6503
- Reckless driving, penalties increased: *SSB 5882, CH 291 (1990)
- Revoked or suspended driver's license or identicard, display of, traffic infraction: SB 6524
- Suspended or revoked license, driving with, penalties: SB 6522
- Traffic safety course, participation, deferral of determination that infraction committed: HB 2404

TRAFFIC SAFETY

- Sobriety checkpoints: SB 6710

TRANSPORTATION

- AMTRAK activities: *SHB 1825, CH 43 (1990)
- Budget, supplemental: *SB 6408, CH 298 (1990)
- Corridors, land use planning requirements, conversion to major transportation system: SB 6891
- Elderly and disabled citizens, appropriation to provide specialized services for: SB 6894
- Food, drugs, or cosmetics, transportation in vehicle used to transport hazardous or solid waste prohibited: SB 6185
- Food products, designation and marking of vehicles and vessels for food or food compatible products: *SB 6164, CH 202 (1990)
- Food products, prevention of contamination during transport: *SB 6164, CH 202 (1990)
- Food products, rehabilitation of vehicles and vessels to transport: *SB 6164, CH 202 (1990)
- Food products, rehabilitation of vehicles used to carry nonfood items, certification and inspection: 2SHB 2270
- Food products, vehicle marking requirements: 2SHB 2270
- Grant county wayport and high-speed transportation development study: *SCR 8437 (1990)
- High capacity system development: *SHB 1825, CH 43 (1990)
- High capacity transportation, local taxing options, voter approval required: *SHB 1825, CH 43 (1990)
- High occupancy vehicle lane development program, employer tax and motor vehicle excise tax surcharge authorized: *SHB 1825, CH 43 (1990)
- Local option revenue generation, governor's proposal: SB 6358, *SSB 6358, CH 42 (1990)
- Regional transportation planning organizations, creation authorized: *SHB 2929, CH 17 E1 (1990)
- Specialized transportation services account: SB 6894
- State facilities, parking and transportation management programs: *HB 2802, CH 206 (1990), SB 6674
- Tax rates and distributions, governor's proposal: SB 6358, *SSB 6358, CH 42 (1990)
- Urban transportation systems, tax refunds may go only to privately owned systems: SB 6695

TRANSPORTATION BUDGET

- Supplemental: *SB 6408, CH 298 (1990)

TRANSPORTATION COMMISSION

- Bernice Stern, reappointed member, GA 9199, confirmed pp. 16,135,781
- Leo B. Sweeney, reappointed member, GA 9200 pp. 16,135
- Columbia river, second bridge at Longview, study requirements: SB 6697, *SSB 6697, CH 87 (1990)

TRANSPORTATION, DEPARTMENT OF

- Adopt-a-highway litter control program: HB 2514, *SSB 6649, CH 258 (1990)

TRANSPORTATION, DEPARTMENT OF—cont.

- District 1 headquarters facility, authorization to sell general obligation bonds to fund acquisition: *SB 6897, CH 293 (1990)
- Edgestriping requirements for streets without curbs or sidewalks: SB 6302
- Emergency highway repair contracts, authority to approve: *HB 2882, CH 265 (1990)
- Ferries, county operated, deficit reimbursement: SB 6406
- Headquarters facility, district 1, authorization to sell general obligation bonds to fund acquisition: *SB 6897, CH 293 (1990)
- Naches Pass tunnel construction, duties: SB 6828
- Rail line salvage, department may place conditions on: SHB 2649
- Scenic and recreational highway system, additions, assessment and designation of, considerations: *SSB 6426, CH 240 (1990)
- Spokane river toll bridge, reversion of ownership to city of Spokane, duties of department: HB 2216
- Stampede Pass rail line, purchase, negotiations authorized: SB 6781
- Triple combination vehicle permits, rulemaking authority may not be used to issue: SB 6188

TRANSPORTATION IMPROVEMENT BOARD

- Membership expanded: SB 5326, SSB 5326

TRAVEL CHARTER AND TOUR OPERATORS

- Business and occupation tax imposed on: SB 6329, SSB 6329

TRI—CITIES

- Industrial and high-technology investments, programs to attract, emphasis on work force and facilities in region: *SSB 5993, CH 281 (1990)
- Programs to attract industry or investment to emphasize local expertise and facilities: SB 6871

TRIMBLE, ROBERT E.

- Member, indeterminate sentencing review board,
GA 9238 pp. 136,1436

TRUCKING

- Food products, rehabilitation of vehicles used to carry nonfood items, certification and inspection: 2SHB 2270
- Motor carrier freight brokers and forwarders, registration, compliance delayed to after June 30, 1991: *HB 2989, CH 109 (1990)
- Motor freight brokers and forwarders, surety bond requirements: SB 6869
- Overloading a vehicle, person who directed the loading may be made a codefendant: HB 2716
- Overloading a vehicle, person who directs the overloading is guilty of a traffic offense: *HB 2716, CH 217 (1990)
- Overtime laws, application to employees of interstate carriers: SB 6405
- Triple combination vehicle permits prohibited: SB 6188

TRUCKS

- Length requirements modified to accord with federal law: *SB 5593, CH 28 (1990)

TRUE, DOUGLAS L.

- Member, public disclosure commission, GA 9127,
confirmed pp. 308,468

TRUSTS

- Employee benefit plan deemed a spendthrift trust: SB 6393, *SSB 6393, CH 237 (1990), SB 6448

TUNNELS

- Naches Pass tunnel construction: SB 6828

TURNER, JOHN

Member, juvenile disposition standards commission,
GA 9265 p. 1802

UNCLAIMED PROPERTY

Bailees, reimbursement from sale of unclaimed property for costs incurred in regard to that property authorized: *HB 2262, CH 41 (1990)
Local governments authorized to retain and spend some types of unclaimed intangible property: *SB 6913, CH 1 E2 (1990)
Local governments, recordkeeping and retention requirements: SB 6909
Retention by local governments, reporting requirements: SHB 2833

UNDERGROUND STORAGE TANKS

Cleanup work certificate of completion, recording in real property records: SB 6912
Pollution liability insurance program, program design, contracting, and consultation duties: *SHB 2609, CH 64 (1990)
Pollution liability insurance program, revised terminology: SB 6518

UNEMPLOYMENT COMPENSATION

Agricultural employers, voluntary combined reporting by January 1, 1992: *SHB 2426, CH 245 (1990), SB 6761
Agricultural workers over age eighteen, coverage extended to: SSB 5830
Back pay award or settlement resulting in overpayment, assessment: *SHB 2426, CH 245 (1990), SB 6568
Benefit year, defined: *SHB 2426, CH 245 (1990), SB 6567
Deductions from weekly benefits for earnings from temporary: SB 6525
Disqualification, consideration of reason for leaving latest employment only, exception for work related criminal activity: SHB 2772
Disqualification when discharge was for conviction of felony or gross misdemeanor connected with that work: SHB 2772, SB 6569
Employer contributions: *SHB 2426, CH 245 (1990), SB 6397
Fraternal societies and lodges, employees, coverage extended to: SB 5869, SSB 5869
Locked out workers, eligibility for benefits: HB 2432, SB 6607, SB 6848
Nonresident aliens, services of nonimmigrant while temporarily present are not employment: *SHB 2426, CH 245 (1990), SB 6322, SB 6398
Notice to withhold and deliver property: *SHB 2426, CH 245 (1990), SB 6397
Nurses, independent contractors, exclusion from coverage: SB 6756
Overpayments, recovery: *SHB 2426, CH 245 (1990), SB 6567, SB 6568
Temporary employment, deductions from weekly benefits for earnings: SB 6525
Weekly benefits, deductions for earnings from temporary employment: SB 6525

UNIFORM COMMERCIAL CODE

"Holder" and "money" redefined: *HB 2633, CH 228 (1990)

UNIFORM DISCIPLINARY ACT

Reports filed under act, confidential, exceptions: SB 6298

UNITED STATES EXPORT-IMPORT BANK

Eugene Lawson, introduced and addressed the senate

UNIVERSITY OF WASHINGTON BOARD OF REGENTS

Mari J. Clack, member, GA 9151,
confirmed pp. 22,96,227
David L. Cohn, reappointed member, GA 9152,
confirmed pp. 23,225,330
Andrew V. Smith, member, GA 9194,
confirmed pp. 22,250,438
Drug information center, appropriation to fund: SB 6249
High-technology center, duties expanded: 2SHB 2023

* - Passed Leg.: E1 - 1st Special Sess.; E2 - 2nd Special Sess.

UNIVERSITY OF WASHINGTON BOARD OF REGENTS—cont.

- International education, Henry M. Jackson school of international studies, development duties: SHB 2653
- School of medicine, limited medical licenses for fellows, two year limit: *HB 2469, CH 160 (1990), SB 6271
- Warren G. Magnuson institute for biomedical research and health professions training: *2SHB 2443, CH 282 (1990), SB 6800

UTILITIES

- Conservation investments, capitalization of carrying costs until included in rate-making base: SSB 5948
- Conservation investments, public utility tax credits, 1991 limit put on addition of new facilities: SSB 5948
- Conservation investments, rate of return: SSB 5948
- Electrical generation facilities, deduction from public utility tax of amounts expended on new construction: SB 6844
- Energy storage or generation project begun after January 1, 1991, periodic recovery of investment policy development: SB 6845
- Municipal electric, service beyond city limits, consultation with and notice to affected cities or counties: SB 6742, SSB 6742
- Rates, reduced rates for low income disabled citizens: *SB 6802, CH 164 (1990)
- Residential space heating, involuntary disconnection during winter months: SB 6847
- Rights of way over state lands may be opened to public hiking or horseback riding, conditions: SB 6334
- Street utilities, creation and operation by cities and towns: SB 6824
- Tenants, landlord may collect separate deposit for utility service, return of deposit requirements: SSB 6258
- Tenants, service charges to be made to customer receiving services: SB 6258
- Tenants, service not to be refused because of nonpayment by previous tenant: SB 6258, SSB 6258

UTILITIES AND TRANSPORTATION COMMISSION

- Richard D. Casad, reappointed member, GA 9149, confirmed pp. 23,66,143
- Alternate operator services, registration and service requirements: *HB 2526, CH 247 (1990), SB 6770, SSB 6770
- Electric transmission lines and magnetic fields, location to minimize exposure, study requirements: SB 6771
- Energy conservation and efficiency investments, authority to encourage extended: *SHB 2198, CH 2, (1990)
- Energy storage or generation project begun after January 1, 1991, periodic recovery of investment policy development: SB 6845
- Freight brokers and forwarders, registration, compliance delayed to after June 30, 1991: *HB 2989, CH 109 (1990)
- Lifeline telephone assistance fund, refund of remaining funds to ratepayers: SB 6849
- Motor freight brokers and forwarders, surety bond requirements: SB 6869
- Public utility districts subject to commission jurisdiction and control: SB 5908
- Public water systems rates, inclusion of normal maintenance costs: SB 6446, *SSB 6446, CH 132 (1990)
- Radio communications services provided by a regulated telecommunications company, exemption from regulation: *HB 2525, CH 118 (1990), SB 6512
- Railroad crossing inspection fees to be set by rule: SB 5555
- Recovered materials, regulation of motor freight carriers of: *SSB 6700, CH 123 (1990)
- Recyclables motor freight carriers, exemption from regulation: HB 2571, SB 6700
- Regulatory fees, due dates for payment: *HB 2527, CH 48 (1990), SB 6511

UTILITIES AND TRANSPORTATION COMMISSION—cont.

- Solid waste disposal facilities, fees and charges, changes, notice requirements: SB 6611, SSB 6611
- State-wide enhanced 911 system study: SB 6827, *SSB 6827, CH 260 (1990)
- Telecommunication companies, competitive classification petition may be submitted with application for registration: *SB 6510, CH 10 (1990)
- Telephone assistance program, renewal: *HB 2546, CH 170 (1990), SB 6872
- Telephone company exchange areas and territorial boundaries, changes, when authorized, procedure: SB 5806, SSB 5806
- Toll message calls, billing and collection of charges: SB 6838

UTILITY LOCAL IMPROVEMENT DISTRICTS

- Exclusion of property of petition signers from district: SB 5133
- Inclusion of property of petition signers in district: SB 5133
- Petition signers, exclusion or inclusion of property in district: SB 5133

VANDERKOLK, BARBARA

- Reappointed member, board of pharmacy, GA 9239 p. 137

VESSEL DEALERS

- Cash deposit in lieu of surety bond allowed: SB 5006, SSB 5006

VETERANS

- American veterans memorial highway, state portion of Interstate 90 renamed: SB 6361
- Hunting and fishing licenses, eligibility for free licenses: SSB 5087
- License plates, remembrance tabs authorized: SB 6178
- Property tax exemption for real and personal property used for fund-raising activities: *HB 1307, CH 283 (1990), SB 6243, SSB 6243
- Public employees' retirement system, military service credit for PERS I: SB 6435
- Skilled nursing care center in eastern Washington, planning and construction: SB 6602
- Submarine veterans of the World War II, representation on veterans' affairs advisory committee: HB 2346, SB 6421
- Toxic chemical exposure, expression of support to Congress and the President for exposed veterans: SJM 8021
- Toxic chemicals, requesting support for veterans exposed to: HJM 4031
- Vietnam veterans, payment of two hundred fifty dollars to veterans or survivors, eligibility: SB 5998

VETERANS AFFAIRS, DEPARTMENT OF

- Jesse Farias, appointed director, GA 9161 p. 13
- Skilled nursing care center in eastern Washington, planning and construction, duties: SB 6602

VETERINARIANS

- Prescriptions, out of state prescriptions may be filled by pharmacies in Washington: *SSB 5594, CH 219 (1990)
- Veterinary disciplinary board, organization and duties: SB 6775

VICE PRESIDENT PRO TEMPORE (See also SENATOR ELLEN CRASWELL; also PARLIAMENTARY INQUIRIES; also RULINGS AND REPLIES)**VICTIMS OF CRIMES**

- Basic health plan, participation in, eligibility: SB 6597
- Benefits, eligibility for, payment procedures: SB 6207
- Community-based treatment for victims of sex crimes, governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)
- Compensation, governor's community protection act: SB 6259, SSB 6259, *2SSB 6259, CH 3 (1990)
- Crime victims advocacy office and grant program: 2SSB 6259

VICTIMS OF CRIMES—cont.

- Disability, determination of status, compensation rates: SB 6207
- Driving while intoxicated, victims' eligibility for compensation: SB 6668, *SSB 6668, CH 73 (1990)
- Drunk driving, persons convicted of drunk driving to meet panel in addition to other penalties: SB 6082
- Medical assistance: SB 6207
- Office of crime victim services, creation, organization, and duties: SB 6207
- Recovery of damages from liable parties, distribution procedures, effect on eligibility for benefits: SB 6207
- Release of inmate, notice requirements, confidentiality of names of persons receiving notice: SB 6441
- Residents eligible for compensation for acts committed outside of Washington: SB 6668, *SSB 6668, CH 73 (1990)
- Victims' impact panel, persons convicted of drunk driving to meet panel in addition to other penalties: SB 6082
- Vocational rehabilitation and employment assistance: SB 6207

VIDEO COMMUNICATIONS

- Information services and video telecommunications review board, membership and duties: SSB 6219
- Information services board, state-wide video telecommunications system development, duties: 2SSB 6219
- Information services department, lead agency for video telecommunications services to all state agencies: *SHB 2403, CH 208 (1990)
- State-wide video telecommunications system development: SB 6219, SSB 6219, 2SSB 6219

VIDEOTAPE

- "Slasher" videos, distribution or sale of videos appealing to morbid interests of minors, misdemeanor: SSB 6670

VIOLENCE PREVENTION

- Community violence prevention and intervention pilot programs: 2SHB 2543
- Public health intervention strategy: 2SHB 2543

VIPPERMAN, CAROL

- Trustee, The Evergreen State College, GA 9203 p. 24

VITAL RECORDS

- Birth certificates, information that may be required on: HB 2796
- Local registrars' duties: *SHB 1264, CH 99 (1990)

VOCATIONAL EDUCATION

- Accreditation of vocational-technical institutes so that credits may be transferred to community colleges: SB 6650
- Acquired traumatic brain injury, supported employment demonstration projects: SB 6275
- Cooperative vocational education grant program: SB 6222
- Educational technology services, superintendent of public instruction to provide: SB 6337, SSB 6337, 2SSB 6337
- Innovations in vocational education program for the twenty-first century: SB 6337, SSB 6337, 2SSB 6337
- Instruction, student-teacher ratio: SB 6337, SSB 6337, 2SSB 6337
- Local advisory councils, membership and duties: SB 6337, SSB 6337, 2SSB 6337
- Private vocational schools, counseling obligations, unfair recruiting practices, penalties: SHB 2915
- Private vocational schools, enrollment contracts, disclosure requirements: *SSB 5545, CH 188 (1990)

VOCATIONAL EDUCATION—cont.

- Private vocational schools, potential student assessment requirements: *SSB 5545, CH 188 (1990)
- Private vocational schools, unfair business practices relating to advertising and recruiting: *SSB 5545, CH 188 (1990)
- Running start program: *2SHB 2379, CH 9 E1 (1990)
- State board for vocational education established, successor to commission for vocational education: SB 5545, *SSB 5545, CH 188 (1990)
- State council on vocational education created to comply with federal vocational education funding laws: SB 5545
- Vocational cooperatives, demonstration projects, grant programs: *SSB 6411, CH 272 (1990)
- Vocational technical institutes, state board for, membership and duties: SHB 2742
- Vocational-technical institutes, accreditation required so that credits may be transferred to community colleges: SB 6650
- Washington institute of applied technology, report to legislature regarding, office of financial management: SB 6901
- Washington institute of applied technology, report to legislature regarding, state board for vocational education: SSB 6901
- Workforce training program, conducted by state board for vocational education: SB 6858, SSB 6858

VOGNILD, SENATOR LARRY L.

- Appointed children and family services,
and rules committees pp. 11,12
- Parliamentary inquiry, question if SSB 6314 on
consent calendar p. 473
- Parliamentary inquiry, placement of amendments to SSB 6332 p. 474
- Notice for reconsideration of 2SSJR 8212 p. 511
- Point of order, 2SSB 6352 properly before senate p. 558
- Motion to suspend senate rule 53 p. 642
- Point of order, previous question stops all debate p. 928
- Motion to reconsider HB 2542 p. 1076
- Parliamentary inquiry, votes needed to suspend rules
and move ESSB 6799 back to second reading p. 1082
- Parliamentary inquiry, question pass SSB 6407 without
resolution p. 1687

VOLUNTEERS

- Adopt-a-highway litter control program: HB 2514, *SSB 6649, CH 258 (1990)
- Community service, information and training to community leaders on use of
volunteers: HB 2745
- Immunity from civil liability, conditions of and limitations on: SB 6320
- Immunity from civil liability for landowners who permit groups to use land for
projects: SB 5424
- Retired senior volunteer programs, appropriation and distribution of funds to: SB
6166
- Retired senior volunteer programs, distribution of funds to: SSB 6166
- Sex offender registry, information available about prospective employees or
volunteers who will work with children: SB 6287

von REICHAUER, SENATOR PETER

- Appointed financial institutions and insurance, chair;
transportation, vice chair;
and higher education committees pp. 11,12
- Motion for reconsideration of HB 2901 p. 1080

VOTING

- Absentee ballot, qualified voter can register in person up to fifteen days before election and vote by: HB 1433
- Driver's license application or renewal, may register to vote at same time: SB 6031, *SSB 6031, CH 143 (1990)
- High school students, voter registration: HB 1109
- Registration by mail: HB 1129
- Registration, information required on application form, insertion by applicant or registration officer: HB 2035
- Registration of high school students: HB 1109
- Registration, qualified voter can register in person up to fifteen days before election and vote by absentee ballot: HB 1433
- Voter registration by mail: SHB 3000
- Voter registration, late registration in person: SHB 3000
- Voter registration or transfer when applying for or renewing driver's license: SHB 3000
- Voters' rights act of 1990: SHB 3000

WAGES AND HOURS

- Civil penalties for violations: HB 2788, SB 6590, SB 6692
- Eight hour day, six day week, overtime pay provisions for work in excess of: SHB 2916, SB 6782
- Employees reporting to work, payment when not given work or less than half of usual or scheduled work: SHB 2916, SB 6782, SB 6795
- Employment discrimination prohibited for refusal to work overtime: SB 6905
- Forty hour week, overtime pay for work in excess of: SHB 2916, SB 6782
- Overtime laws, application to employees of interstate carriers: SB 6405
- Overtime work, discrimination for refusal to work prohibited: SB 6905
- Prevailing wage law, exemption for school construction and renovation: SB 6902
- Wage payment laws, civil penalties for violations of: HB 2788, SB 6590, SB 6692

WALL, JENNIFER

- 1989 Miss Washington introduced and addressed senate p. 280

WALLA WALLA COMMUNITY COLLEGE DISTRICT NO. 20

- Patrick F. Donohue, trustee, GA 9131, confirmed pp. 134,182
- Don Schwerin, reappointed trustee, GA 9190, confirmed pp. 21,663,952

WALTON, JAMES

- Reappointed member, wildlife commission, GA 9204 p. 13

WARNKE, SENATOR FRANK J.

- Appointed economic development and labor, rules and ways and means committees pp. 11,12

WASHINGTON AMBASSADOR PROGRAM

- Data collection and dissemination: SSB 5001

WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

- Board of directors, powers and duties, termination date set: SB 6901, SSB 6901
- Budgets, courses, and contracts, approval requirements: SB 6901, SSB 6901
- Report to legislature on accreditation, catalog, vocational certification of instructors, mission statement, status, and recommendations: SB 6901, SSB 6901

WASHINGTON, MISS

- Jennifer Wall, 1989 Miss Washington introduced and addressed the senate p. 280
- Scholarship pageant contestants introduced p. 280

WASHINGTON STATE UNIVERSITY

Drug information center, appropriation to fund: SB 6249

Environmental and molecular sciences, state center for, established at Tri-Cities campus: SHB 2879

Equine program created in department of animal sciences and college of veterinary medicine: SB 6601, SSB 6601

Southern Puget Sound water quality, local field agent duties, matching fund requirements: SB 6326, *SSB 6326, CH 289 (1990)

Sustainable agriculture program: SHB 2593

Waste management education program feasibility study: SB 5996, SSB 5996, *2SSB 5996, CH 158 (1990)

WASTE DISPOSAL

Facilities, grant or loan applications may be approved for costs prior to effective date of grant or loan or department authorization to incur costs: SB 6315

Waste management education program, feasibility study to be done by Washington State University and Columbia Basin College: SB 5996, SSB 5996, *2SSB 5996, CH 158 (1990)

WASTE (See also HAZARDOUS WASTE, INFECTIOUS WASTE)

Bait containers, styrofoam, use prohibited, penalty: SB 6713, SSB 6713

Loads of waste materials transported on highways must be secured to prevent spillage: HB 1222, HB 2389, SB 6314, SSB 6314

Medical waste disposal and transportation: SB 5446

Sludge and waste disposal in agricultural areas, director of department of agriculture to study: HB 2333

State agencies and local governments, waste reduction, recycling, and procurement plan: SHB 2570

WASTEWATER

Water discharge fees, administrative expenses for indirect dischargers, when not recoverable by department of ecology: SB 6796

WATER

Ground water, withdrawals, end of fifty thousand gallon exemption: SHB 2929

Natural watercourses, may not increase flow beyond the capacity of the watercourse to convey: SB 6539

Regional comprehensive resource planning: *SHB 2932, CH 295 (1990), SB 6779, SSB 6779, 2SSB 6779

Reservations by public water system, coordinated water supply system participation may be required: SHB 2929

Reuse and recycling, rules and implementation plans, department of health duties: SB 6502, SSB 6502

State water resource program, comprehensive: *SHB 2932, CH 295 (1990)

Water resources data management task force, membership and duties: *SHB 2932, CH 295 (1990), SB 6779, SSB 6779, 2SSB 6779

Water resources information system: *SHB 2932, CH 295 (1990)

Watercourse, may not increase flow beyond the capacity of natural watercourse to convey: SB 6539

WATER DISTRICTS

Benefits for commissioners and employees: SHB 2539

Electorate, expansion in districts with fifty or fewer residents, procedures: SB 5900

Leases, security deposit in lieu of bond on leased real property: SHB 2539

WATER POLLUTION

Oil and hazardous substance spill contingency plans, requirements: SB 6725

Water quality account funds, distribution, water pollution control activities: SB 6711

WATER QUALITY

- Distribution of water quality account funds, water pollution control activities: SB 6711
- Floating marine finfish task force, membership and duties: SHB 2892
- Puget Sound water quality protection, adoption of rules of less than state-wide coverage by agencies, requirements and considerations: *SHB 2482, CH 115 (1990), SB 6211, SSB 6211, SB 6416
- Southern Puget Sound water quality, local field agent duties, matching fund requirements: SB 6326, *SSB 6326, CH 289 (1990)
- Water discharge fees, administrative expenses for indirect dischargers, when not recoverable by department of ecology: SB 6796
- Water quality account funds, distribution, water pollution control activities: SB 6711

WATER RIGHTS

- Federal government and California requested to respect the rights of Washington citizens: SJM 8027

WEBER, WALTER

- Consul general of Austria introduced p. 252

WEDER, HANS

- Consul of Switzerland introduced p. 252

WEEDS

- Purple loosestrife control and eradication: SB 6291, SSB 6291, 2SSB 6291

WENATCHEE VALLEY COMMUNITY COLLEGE DISTRICT NO. 15

- Grace L. Lynch, reappointed trustee, GA 9177, confirmed pp. 20,66,250

WEST, SENATOR JAMES E.

- Appointed health and long-term care, chair; economic development and labor, and financial institutions and insurance committees pp. 11,12
- Personal privilege, proposal of marriage to Miss Ginger Marshall who was seated in gallery p. 322
- Introduction of fiancée Miss Ginger Marshall p. 322
- Motion to reconsider vote by which 2SSB 6834 was substituted p. 542
- Point of order, amendment to committee amendment to 2SHB 2986 p. 1148
- Point of order, amendment to HB 2555 p. 1163

WESTERBERG, NORMAN

- Consul of Finland introduced p. 252

WESTERN STATE HOSPITAL ADVISORY BOARD

- James Andrych, member, GA 9215 pp. 26,377
- Jack A. Asby, member, GA 9216 pp. 26,377
- Dr. Dean K. Brooks, appointed chair, GA 9217 pp. 26,377
- Arlene B. Engel, member, GA 9218 pp. 26,378
- Ruth J. Hagerott, member, GA 9220 pp. 27,378
- Dr. Leonard L. Heston, member, GA 9244 p. 564
- Ira S. Klein, member, GA 9221 pp. 27,378
- Elizabeth Muktarian, member, GA 9222 pp. 27,378
- Jane Reno, member, GA 9223 pp. 27,378
- Helen Schwedenberg, member, GA 9225 pp. 28,378
- James L. Taylor, member, GA 9228 pp. 26,378
- David B. Weston, member, GA 9229 pp. 27,379

WESTERN WASHINGTON UNIVERSITY

| | |
|--|----------------|
| Craig W. Cole, reappointed trustee, GA 9153, confirmed | pp. 20,250,347 |
| Warren J. Gilbert, Jr., trustee, GA 9266 | p. 1803 |

WESTON, DAVID B.

| | |
|--|------------|
| Member, western state hospital advisory board, GA 9229 | pp. 27,379 |
|--|------------|

WETLANDS

| | |
|---|--|
| Local government permits, approval and issuance: SB 6907 | |
| Management and protection of: SHB 1392 | |
| Mitigation of adverse impacts to wetlands: SB 6907 | |
| Preservation, protection, and management programs: HB 2729, SB 6799, SSB 6799 | |
| Program requirements: HB 2729, SB 6799, SSB 6799 | |
| Protection and management program, requirements for adoption: SB 6907 | |
| Purple loosestrife control and eradication: SB 6291, SSB 6291, 2SSB 6291 | |
| Rating system: SB 6907 | |
| Wetland management act of 1989: SHB 1392 | |
| Wetlands buffers: SB 6907 | |
| Wetlands impact assessment, progress report required: SSB 6799 | |
| Wetlands management act: SB 6907 | |
| Wetlands management act of 1990: HB 2729, SB 6799, SSB 6799 | |
| Wetlands permits, appeals to shoreline hearings board: SB 6907 | |

WHATCOMMUNITY COLLEGE DISTRICT NO. 21

| | |
|---|-------|
| Philip E. Sharpe, Jr., trustee, GA 9226 | p. 28 |
|---|-------|

WHISTLEBLOWERS

| | |
|---|--|
| Retaliation against, acts defined, penalties set: SB 6660 | |
|---|--|

WHITE, WALTER E.

| | |
|--|--------|
| Reappointed member, personnel appeals board, GA 9240 | p. 136 |
|--|--------|

WILDLIFE

| | |
|---|--|
| Acquisition of land for wildlife conservation and outdoor recreation, funding: SB 6412, *SSB 6412, CH 14 E1 (1990) | |
| Elk and deer, requesting that commercial sales be prohibited: SSJM 8014 | |
| Lake Roosevelt wildlife mitigation demonstration project, steering committee organization and duties: SB 6836, SSB 6836 | |
| Mitigation of negative impacts on wildlife caused by public and private developments, requirements: SB 6151, SSB 6151 | |
| Offenses, seizure and forfeiture of wildlife and personal property, equal treatment of all citizens required: SB 6336 | |
| Purple loosestrife control and eradication, duties: SSB 6291, 2SSB 6291 | |
| Rescue and rehabilitation of animals injured by oil spills or hazardous materials, duties of wildlife rescue coalition: 2SHB 2208 | |
| Wildlife rescue coalition created, organization, duties, and funding: 2SHB 2208 | |
| Wildlife rescue coalition created, rescue and rehabilitation of animals injured by oil spills or hazardous materials: 2SHB 2208 | |
| Wildlife rescue coalition, establishment: *2SHB 2494, CH 116 (1990) | |

WILDLIFE COMMISSION

| | |
|--|-------|
| Norman F. Richardson, reappointed member, GA 9188 | p. 13 |
| James M. Walton, reappointed member, GA 9204 | p. 13 |
| Election of members, regions and procedures: SB 6659 | |

WILDLIFE, DEPARTMENT OF

| | |
|---|--|
| Bald eagle habitat buffer zones, rulemaking authority: *SHB 2576, CH 84 (1990), SB 6604 | |
| Deer and elk, claims for damages by, maximum amount of claim raised: SB 6176 | |

WILDLIFE, DEPARTMENT OF—cont.

- Duties and responsibilities, update and revision of statutes: *SHB 2576, CH 84 (1990), SB 6604
- Firearms range program, duties: SB 6726, *SSB 6726, CH 195 (1990)
- Goodwill games complimentary fishing licenses authorized for participants: SB 6250
- Hunting and fishing licenses, update and revision of statutes: *SHB 2576, CH 84 (1990), SB 6604
- Hunting guide, license required from director to act as: SB 6196
- Hunting permits, special hunts, sale by raffle or sealed bid authorized: HB 2577, SB 6603
- Lake Roosevelt wildlife mitigation demonstration project, duties: SB 6836, SSB 6836
- License or permit is not fee for purposes of section limiting liability of owner permitting recreational use of land: HB 2998, SB 6605
- Mitigation of negative impacts on wildlife caused by public and private developments, departmental duties: SB 6151, SSB 6151
- Powers and duties revised: *SHB 2576, CH 84 (1990)
- Search and rescue fund, to be funded by surcharge on hunting and fishing licenses: SB 6038
- Steelhead and game fish production to be doubled by the year 2000, department to develop plan: *2SSB 5845, CH 110 (1990)
- Wildlife offenses, seizure and forfeiture of wildlife and personal property, equal treatment of all citizens required: SB 6336
- Wildlife rescue coalition created, designation as lead agency for: 2SHB 2208
- Wildlife rescue coalition, establishment: *2SHB 2494, CH 116 (1990)

WILLIAMS, JENNIFER LYNN

- Apple blossom queen introduced
and addressed senate p. 557

WILLIAMS, SENATOR AL

- Appointed economic development and labor, energy and
utilities, and ways and means committee pp. 11,12

WILLS

- Requisites: *SB 6392, CH 79 (1990)

WIRETAPPING

- Sexual abuse of children, interception of conversations concerning authorized: SB 6264

WOJAHN, SENATOR R. LORRAINE

- Appointed health and long-term care, rules, and ways and
means committees pp. 11,12
- Parliamentary inquiry, requests question on SFR 1990-8745 p. 928
- Point of order, house amendments to ESSB 5545 p. 1319
- Parliamentary inquiry, status of ESSB 5545 after house
amendments ruled out of order p. 1433

WOLFE, HAL

- Reappointed trustee, south puget sound community college
district no. 24, GA 9205, confirmed pp. 22,67,1893

WOOD BURNING STOVES

- Local authorities, wood burning stoves, limits on use during periods of impaired
air quality: *SSB 6698, CH 128 (1990)
- Pellet burning stoves, use during period of local impaired air quality: SB 6506
- Pellet stoves, use during periods of impaired air quality: *SSB 6698, CH 128 (1990)
- Retail sales, department of ecology to set fee on stoves sold: *SSB 6698, CH 128
(1990)

WOOD BURNING STOVES—cont.

Solid fuel burning devices, air quality authority may impose fee on sale of: SB 6698, SSB 6698

Solid fuel burning devices, use during forecast episode: SB 6698

WORKERS' COMPENSATION

Arrearages in taxes, notice and order to withhold requirements: HB 2499, SB 6471
Attorneys' fees on appeal, written application to be submitted within one year of final decision: SB 5685

Benefits, payment in disputed cases: HB 1343, SB 5602, SSB 5602

Booth renting cosmetologist, elective coverage: 2SHB 1366

Claimant's file, physician may review at discretion of department or self-insurer: SB 6618

Claimant's file, when claimant may review: *HB 2485, CH 209 (1990), SB 6472, SB 6618

Death benefits, lump sum payment to surviving spouse on remarriage: SB 6387

Death benefits, maximum amount of payment: SB 6682

Death benefits to surviving spouse, calculation: SB 6534

Disability compensation, payment provisions: SB 6682

Disputed claims, allowance and reopening of, repayment of improperly paid benefits: HB 2497, SB 6384

Employers, group participation in retrospective rating program: SB 5302

Federal employees' compensation act, maritime workers under, exemption from coverage: SB 6669

Fraud, discovery of, definition: SB 6616

Fraud, repayment and reimbursement to be made before payment of penalty: SB 6616

Group self-insurance, certificate of approval requirements: SB 6736

Group self-insurance, formation of groups, conditions: SB 6735

Health care information, release to employer, department, and claimant by health care providers: SSB 5754

Health care information, release to employer or department by health service provider: SB 6617

Independent contractor, definition: SB 6671, SSB 6671

Industrial insurance labor-management cooperation program: SB 6383, SSB 6383

Industrial insurance labor-management cooperation program established: SB 5870

Industrial insurance premium refund account created: *HB 2362, CH 204 (1990)

Industrial insurance surety bond commission established, membership and duties: SB 6787

Investment of supplemental pension funds: *HB 2503, CH 80 (1990), SB 6385

Maritime occupations coverage, exempt employment: SB 6386

Maritime workers under federal employees' compensation act, exemption from coverage: SB 6669

Medical examinations, payment for time lost while attending: SB 6684

Medical examinations, worker responsible for costs of appointments missed without good cause: SB 5752

Nurses, independent contractors, exclusion from mandatory coverage: SB 6755

Organic food, certified producers, reduction of industrial insurance premiums: SB 6821

Pain management program evaluation: HB 2470

Pension benefits, self-insurers authorized to purchase annuities to pay: SB 5749

Permanent total disability benefits, calculation: SB 6534

Release of health care information to employer or department by health service provider: SB 6617

Reopened claims, payment procedures: HB 2698

Repayment of benefits in disputed cases, responsibility for repayment: HB 1343, SB 5602, SSB 5602

WORKERS' COMPENSATION—cont.

- Responsibilities of insurance commissioner transferred to department of labor and industries: HB 1791
- Retrospective rating employer, medical examination and treatment of injured worker: SB 6740, SSB 6740
- Retrospective rating program, group participation by employers: SB 5302
- Self-insurance groups, certificate of approval requirements: SB 6736
- Self-insurance groups, formation, conditions: SB 6735
- Self-insurers, aggravation, reopening of claims, payment procedures: SB 6613
- Self-insurers, closure of disability claims after July 1990: SB 6614
- Self-insurers, irrevocable letter of credit as proof of financial ability, use authorized: *HB 2485, CH 209 (1990), SB 5808
- Self-insurers, medical examinations, authority to require worker to submit to: SB 6615
- Self-insurers, pension benefits, authorization to purchase annuities to pay: SB 5749
- Self-insurers, surety bond requirements: SB 6787
- State agencies and institutions of higher learning, participation in safety and return-to-work programs encouraged: *HB 2362, CH 204 (1990)
- Supplemental pension funds, investment of: *HB 2503, CH 80 (1990), SB 6385
- Tax arrearages, notice and order to withhold requirements: HB 2499, SB 6471
- Temporary total disability benefits, calculation: SB 6534
- Time lost from work while attending medical examination, payment for: SB 6684
- Vocational rehabilitation services, retraining period, job placement assistance: HB 2695, SB 6683

WRONGFUL DEATH ACTIONS

- Driving while intoxicated, punitive damages for injury or wrongful death: SHB 2459
- Recovery of damages by personal representative for loss of life or enjoyment of life authorized: SB 6323

YAKIMA COUNTY

- Criminal justice enhancement, appropriation to provide grant for: SB 6910
- Jail facilities, appropriation to fund construction and expansion of: *SHB 3035, CH 13 E1 (1990)

YAKIMA VALLEY COMMUNITY COLLEGE DISTRICT NO. 16

- Dorothy L. Aiken, trustee, GA 9214 p. 29

YAMAMOTO, HARRY

- Reappointed trustee, big bend community college district no. 18, GA 9242 p. 215

YOSHITOMI, JOAN

- Member, state board for community college education, GA 9206, confirmed pp. 15,575,1893

ZONING

- Single family residences, conversion to include separate units for use by relatives within existing space allowed: SB 6454

